



Houghton and Wyton Neighbourhood Development Plan 2015 – 2036

Report on the Examination of the Built up Areas and Anti-Coalescence Policies

**An Examination undertaken for Huntingdon Council with the support of
the Houghton and Wyton Parish Council.**

Independent Examiner: Robert Yuille MSc DipTP MRTPI

Date of Report: 20 November 2017

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT
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Main Findings - Executive Summary

From my examination of the Built Up areas and Anti-Coalescence policies in the Houghton and Wyton Neighbourhood Plan, taking into account the alternative modifications put forward by Huntingdon District Council and representations made, I have concluded that subject to the policy modifications recommend in this report, those policies meet the Basic Conditions and other relevant legal requirements.

I recommend that the Plan should proceed to Referendum, in accordance with the recommendations made in the Examination Report of 14 December 2015 subject to:

- the modification proposed on page 21 of the first examiner's report being replaced by Alternative Modification 1, subject to the changes proposed in PM1 and PM2 of this report; and
- the modification proposed on page 25 of the first examiner's report being replaced by Alternative Modification 2, subject to the changes proposed in PM3 and PM4 of this report.

1. Introduction and Background

Houghton and Wyton Neighbourhood Plan 2015-2036

- 1.1 The Houghton and Wyton Neighbourhood Plan (the Plan / HWNP) has previously been submitted for an independent examination, which commenced on 14 September 2015. An examination report was produced by Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC(TLHE)(Open) MRTPI FHEA FRSA AoU ('the first examiner') on 14 December 2015 ('the December 2015 Report') setting out her proposed modifications to the Plan.
- 1.2 Following Huntingdon District Council's (the District Council) consideration of the December 2015 Report, it resolved to accept all the first examiner's recommendations except those relating to the Village Limits/Built Up Area (HWNP1) and the Local Settlement Gap (HWNP3). These policies seek to define the built-up area of the Parish and protect the two villages of Houghton and Wyton (which lie side-by-side) from coalescence with the settlement at St Ives, which lies to the east. Working together, the District Council and the Houghton and Wyton Neighbourhood Plan Working Group have drawn up alternative modifications that seek to address the original concerns of the first examiner and meet the Basic Conditions.
- 1.3 The District Council has consulted on these modifications, and in the light of the responses received, decided it is appropriate to put these two matters to independent examination.

The Independent Examiner

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- 1.4 I have been appointed by the District Council to examine the 'issue', which for the purposes of this examination are the matters of the Built Up areas and Anti-Coalescence policies in the HWNP and the suggested alternative modifications. My appointment has been made with the agreement of the Houghton and Wyton Parish Council ('the Parish Council').
- 1.5 I am a chartered town planner and former government Planning Inspector, with considerable experience in examining development plans and, more recently, neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.
- 1.6 In undertaking this independent examination, I am not bound by any previous work of the first examiner in relation to Policies HWNP1 and HWNP3. Given that the first examiner's 14 December 2015 Report has been accepted by the District Council in so far as it relates to all issues other than the two matters dealt with by these policies, it is not within my remit to revisit other aspects of the Plan. However, whilst the scope of the examination is confined to these two matters, I will need to consider if there are any consequences arising from the view I take on policies HWNP1 and HWNP3, which may have a direct or cumulative impact on other policies within the Plan. I may further need to consider if any consequential amendments are required to the Plan through modifications.

The Scope of the Examination

- 1.7 Paragraph 13(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act') provides that if
- (a) the local planning authority propose to make a decision which differs from that recommended by the examiner, and
 - (b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,
- the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations.
- 1.8 Paragraph 13(2) of Schedule 4B allows for the exercise of the discretion of the local planning authority in so far as it provides that if the authority considers it appropriate to do so, they may refer the issue to independent examination.
- 1.9 Paragraph 13(3) of Schedule 4B is an enabling provision which provides for the making of regulations about an examination under paragraph 13. However, to date, provision has only been made in relation to the decision

timetable following the completion of the examination of an issue and the procedure for the Secretary of State's (SOS) intervention¹. The Planning Practice Guidance (PPG) similarly only refers to this process with regard to the local planning authority's decision timetable and SOS intervention.

1.10 Therefore, in the absence of further procedural regulations or guidance governing an examination under paragraph 13(2), my starting point is Paragraph 8(1) of Schedule 4B to the 1990 Act, which requires the examiner to consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.11 A neighbourhood plan examination is confined to the matters within Paragraph 8(1) of Schedule 4B to the 1990 Act. However, the Plan must also be compatible with the Human Rights Convention (and relevant Protocols).

1.12 From my assessment, it would appear that not all of the requirements in paragraph 8(1) are directly relevant to the examination of an issue under paragraph 13(2). In particular, the overarching plan requirements of

¹ The Neighbourhood Planning (General) Regulations 2012 (as amended) provide in Regulation 17A(5)(b)(i) that the local planning authority is required to make a decision on recommendations made under a paragraph 13(2) examination within 56 days of receipt of the examiner's report (see also paragraph 13A of Sch.4B). Paragraphs 13B and 13C further deal with Secretary of State intervention.

sections 38A and 38B of the 2004 Act where the first examiner will already have dealt with these in terms of the Plan as a whole i.e. the status of the qualifying body; the neighbourhood plan area; the period of the Plan and the Plan's preparation and consultation. Furthermore, the area in which the referendum is to take place is not an issue which can be considered under paragraph 13².

1.13 In contrast, the consideration of whether the issue relates to a land use planning matter and is not excluded development is relevant, as is the requirement to ensure that the issue is compatible with the European Convention of Human Rights. I deal with the specific application of the procedural legal requirements in more detail in Section 3 of this report.

1.14 As this is an examination under paragraph 13 of Schedule 4B to the 1990 Act, I shall also consider whether the local planning authority has complied with the prior consultation requirements in paragraph 13(1).

Basic Conditions

1.15 I consider all of the Basic Conditions are potentially relevant to this examination, notwithstanding they refer to the 'plan' rather than the 'issue'. The Basic Conditions are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.16 Regulation 32 of the 2012 Regulations prescribes a further basic condition for the Plan. This requires that it should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

Referendum

² See paragraph 13(4) of Schedule 4B to the 1990 Act.

- 1.17 I am required to make a final recommendation as to whether the Plan should proceed to referendum, in accordance with the first examiner's recommendations, combined with any modifications I may make as a result of this second examination.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Huntingdonshire, not including documents relating to excluded minerals and waste development, is; the Huntingdonshire Core Strategy adopted in September 2009 (the Core Strategy); saved policies from the Local Plan 1995 (the 1995 Local Plan); and saved policies from the Local Plan Alteration 2002 (the Local Plan Alteration). The Core Strategy sets out the spatial framework for Huntingdonshire's future to 2026.
- 2.2 Consultation was completed on 25 August 2017 on Huntingdonshire's Local Plan to 2036: Consultation Draft 2017 (the emerging Local Plan). The 'Proposed Submission Draft' (Publication Version) is scheduled for consultation in December 2017 and is likely to be submitted to the Secretary of State for examination around Spring 2018. If an emerging Local Plan is in conflict with a neighbourhood plan, there is a risk that, when the Local Plan is adopted, it will undermine the effectiveness of that neighbourhood plan. Having regard for these factors and the advice in the Planning Practice Guidance (PPG)³, I shall take the emerging Local Plan into consideration in this examination where it is relevant to the two policies under consideration.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework ('the Framework'). The PPG offers guidance on how this policy should be implemented.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- Houghton & Wyton Submission Version Neighbourhood Plan*;
 - Independent Examiner's Report, 14 December 2015*;
 - Alternative Modification 1 – HWNP1 Built Up Areas*;
 - Appendix A – Methodology for Alternative Modification 1*;
 - Alternative Modification 2 – HWNP3 Anti Coalescence*;
 - Consultation Notes for Alternative Modification 2 HWNP3 Anti Coalescence*;

³ PPG Reference ID 41-009-20160211.

- Report on comments made on Houghton & Wyton Neighbourhood Plan: Proposed Alternative Modifications examination consultation*;
- Extracts from the Inspector's Report in to the Local Plan Alteration (2002) – Chapter 1 Settlement Strategy;
- High Court Judgement: Houghton & Wyton Parish Council vs. Huntingdonshire District Council May 2013;
- Appeal Decision – St Ives Golf Club, December 2015;
- The District Council's answers to various questions raised by me. These answers are contained in emails dated 13/09/17, 03/10/17 and 16/10/17*;
- Plan provided by Design Planning and Economics on 28/09/17 showing the extent of HCA land ownership and the boundaries of its planning permission;* and
- Plan provided by the District Council on 16/10/17 showing various built up area boundaries and other information*.

**Available on District Council web site⁴*

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 4 October 2017 to familiarise myself with it, particularly focusing on the extent of the built up area and the land south of the A1123 between the village and St Ives.

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with solely by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the alternative modifications.

Modifications

- 2.7 Where necessary, I have recommended modifications to the plan (**PMs**) in this report in order that they meet the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in Appendix 1.

3. Procedural Compliance and Human Rights

Plan Wide Compliance Issues

⁴<http://www.huntingdonshire.gov.uk/planning/neighbourhood-planning/>

- 3.1 As noted in paragraph 1.12 above, I consider that a number of the procedural compliance issues are based on the assessment of the HWNP as a whole and have been dealt with by first examiner in her December 2015 Report, and subsequently agreed by the District Council. I see no reason to disagree with her conclusions. For the sake of completeness these are summarised as follows:

(i) Qualifying Body and Neighbourhood Plan Area

Section 4.0, page 6 of the December 2015 Report confirms that the Parish Council is the qualifying body and the neighbourhood area was duly designated on 19 December 2012 as per Figure 1 on Page 2 of the HWNP. It also confirms the HWNP is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

(ii) Plan Period

Subject to the modification the first examiner recommends in the second bullet point on page 16 of the December 2015 Report, she confirms on page 6 that the plan period is 21 years from 2015 – 2036.

(iii) Neighbourhood Plan Preparation and Consultation

Section 6, pages 8-9 of the December 2015 Report covers the HWNP preparation and consultation process, including the Pre-Submission Draft Plan consultation which ran for 7 weeks from 14 November 2014 to 3 January 2015 (Regulation 14) and the Submission Plan consultation (Regulation 16) which ran for a 6 week period from 19 June 2015 to 31 July 2015, thus meeting the legal requirements. The overall conclusion is that there seems to have been a fairly comprehensive campaign in publicising the Plan and, on balance, there seems to have been adequate opportunity for interested parties including land owners to participate.

Policy Specific Compliance Issues

- 3.2 The following legal compliance requirements can be applied specifically to the two policies I am examining:

(i) Development and Use of Land

I am satisfied that the matters dealt with by HWNP 1 and HWNP 3 relate to the development and use of land in accordance with s.38A of the 2004 Act.

(ii) Excluded Development

Neither HWNP 1 nor HWNP 3 deal with matters which relate to 'excluded development'.

(iii) Human Rights

From my own independent assessment, I am satisfied that the matters in HWNP1 and HWNP3 do not breach Human Rights (within the meaning of the Human Rights Act 1998).

(iv) Further Consultation

The District Council proposes to make a decision which differs to that in the December 2015 Report as a result of a different view taken by the local authority on an issue, which is the matters of the Built Up Areas and Anti-Coalescence policies. A consultation exercise on the alternative modifications to the HWNP (to those proposed in the December 2015 Report) was consulted on from 7 April 2017 to 22 May 2017. 30 responses were received. I am therefore satisfied that the District Council has complied with the requirements in paragraph 13(1) of Schedule 4B to the 1990 Act.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The first examiner deals with these matters on pages 11 to 14 of the December 2015 Report and in essence concludes that a Strategic Environmental Assessment of the Plan would not be required although it would be prudent for the District Council to review this in the light of her proposed modifications. She also concludes that a Habitats Regulations Assessment would not be required. Nothing has happened in the intervening period to invalidate these conclusions and I see no reason to disagree with them.

Background

- 4.2 Before defining the main issues it is useful to set out the version of Policies HWNP 1 and HWNP 3 contained in the submitted version of the Plan, to summarise what the first examiner concluded about these policies and to set out the version of these policies contained in the Alternative Modifications.
- 4.3 **Alternative Modification 1** relates to Policy HWNP 1 of the Plan, a policy which deals with Built Up Areas. This Policy states:

There is a presumption in favour of sustainable development within the built up area which shall be guided by the relevant Neighbourhood Plan policies and other policies in the development plan.

Outside the built up area any development is considered to represent development in the open countryside. Such development will be acceptable if it represents a use that supports rural activities or quiet tourism.

Across the neighbourhood plan area, there shall be a presumption against all types of vulnerable new development being located in flood zones 2 and 3. This shall include such development within the built-up area.

Figure 3 shows the extent of the built up area on a plan.

- 4.4 The first examiner proposed that this policy together with its supporting text (which includes Figure 3) be deleted. Her reasons for this are summarised as being:

'..the lack of evidence for this policy and the very limited explanation of the built up area boundary, its unclear definition on the map and the stance of the policy itself..' ⁵

- 4.5 The District Council in consultation with the Parish Council has not accepted this Proposed Modification. It has put forward Alternative Modification 1 which reads as follows:

"Policy HWNP1 - Houghton and Wyton built up area

A built up area is defined as a distinct group of 30 or more homes and their immediate surroundings.

Other areas outside the built up area are part of the open countryside. Proposals for development within the built up area will be guided by the relevant Neighbourhood Plan policies and other policies in the development plan.

Proposals for development outside of the defined built up areas will be acceptable where they comply with relevant policies for building in the countryside."

- 4.6 The boundary of the built up area is shown on a plan attached to Alternative Modification 1. Attached at Appendix A is the *Built up Areas Methodology* – a document that sets out the methodology used to inform the definition of the built up area boundary.
- 4.7 **Alternative Modification 2** relates to Policy HWNP 3 which deals with the Local Settlement Gap between the village and St Ives. This Policy states:

Policy HWNP 3 – Local Settlement Gap.

Within the identified settlement gap, development will not be permitted if it would add to existing sporadic or isolated development or lead to the coalescing of the village with the neighbouring town of St Ives, in turn leading to the loss of the individual identity of Houghton and Wyton.

The settlement gap is identified on Figure 7.

- 4.8 The first examiner proposed that Figure 7 be deleted and that the wording of the policy be amended to read:

⁵ 14 December 2015 Report. Paragraph at the bottom of page 20 and the top of page 21. Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT
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*Development proposals should respect the individual and distinct identities of the village of Houghton and the town of St Ives. Development will not be permitted if, individually or cumulatively, it would result in the loss of the visual and physical separation of these two settlements or lead to their coalescence.*⁶

The reasons given by the first examiner for this proposed modification are summarised in her report as follows:

*'Therefore designation of the gap would prevent, or, at the very least, make it harder for the District Council to plan for the strategic needs of the District, particularly given various constraints including flooding in the area. As a result I consider the proposed gap cannot be said to be in general conformity with the relevant strategic policies in the development plan or pay sufficient regard to national policy and advice or would contribute to the achievement of sustainable development.'*⁷

- 4.9 The District Council in consultation with the Parish Council has not accepted this Proposed Modification. Instead it has proposed Alternative Modification 2 which states:

Policy HWNP3 – Anti –coalescence

Development proposals should respect the individual and distinct identities of the village of Houghton and Wyton and the town of St Ives. Development will not be permitted if, individually or cumulatively, it would result in the loss of the visual and physical separation which currently exists between these two settlements, or would lead to their coalescence.

- 4.10 The main difference between the first examiner's version of this policy and that set out in Alternative Modification 2 is that the latter adds the words *'..which currently exists between...'*. Alternative Modification 2 does not define a settlement gap on a plan. It does however contain a fairly lengthy block of supporting text and a document entitled 'Consultation Notes for Alternative Modification 2 HWNP3 Anti Coalescence'. This document consists largely of a legal opinion expressing the view that Policy HWNP3 complies with the Basic Conditions.

Main Issue

- 4.11 With this background in mind I consider the main issue in this re-examination to be whether Alternative Modifications 1 and 2 have regard to national policies and advice, are in general conformity with the strategic policies of the development plan and contribute to the achievement of sustainable development.

Alternative Modification 1 – HWNP 1 Built Up Areas

- 4.12 In principle there is no objection to making a clear distinction between built up areas and the countryside. There is nothing in the Framework to

⁶ 14 December 2015 Report. Top of page 25.

⁷ 14 December 2015 Report. Second paragraph, page 24.

prevent this and such a distinction is made in the development plan. In the 1995 Local Plan this distinction is made by defining on a map what is termed a 'Village Limits' boundary for villages such as Houghton and Wyton.

4.13 This boundary is still part of the development plan by virtue of its being referred to, albeit under the different name of 'Village Environmental Limits', in policies such as saved policy En17 of the 1995 Local Plan. The built up area boundary proposed in Alternative Modification 1 differs somewhat from the equivalent boundary shown in the 1995 Local Plan (see Map 1 provided as a separate attachment to this report) but that is to be expected given that over 20 years have elapsed since the first boundary was defined and the two boundaries have been defined in the context of different policy backgrounds.

4.14 A different approach is taken in the Core Strategy (paragraph 5.15) and in the emerging Local Plan (paragraphs 4.61 – 4.64) which each contain written definitions of the term built up area.

4.15 The definition contained in the Core Strategy is as follows:

'The definition of the built-up area will be set out in more detail in the Development Management DPD but for the purposes of the Core Strategy it is considered to be the existing built form excluding:

- buildings that are clearly detached from the main body of the settlement;*
- gardens and other undeveloped land within the curtilage of buildings at the edge of the settlement, where these relate more to the surrounding countryside than they do to the built-up parts of the village; and*
- agricultural buildings where they are on the edge of the settlement.'*⁸

4.16 The emerging Local Plan defines a built up area in the following terms:

*'A built-up area is considered to be a distinct group of buildings and their immediate surroundings that includes 30 or more homes. Land that does not meet the definition of Previously Developed Land, as set out in the Glossary, and relates more to the surrounding countryside than to any buildings, is not part of the built-up area.'*⁹

4.17 As the emerging Local Plan points out there are advantages to such an approach:

*'.....among other benefits, it avoids the perception that any form of development on any land within a drawn boundary would be acceptable and the pressure for every piece of land within the boundary to be developed, thus damaging the loose knit character of many settlements in Huntingdonshire by creating harder, more regular edges to settlements.'*¹⁰

⁸ Core Strategy. Paragraph 5.15.

⁹ Emerging Local Plan. Paragraph 4.61.

¹⁰ Emerging Local Plan. Paragraph 4.62.

- 4.18 However, identifying a boundary on a map is also a valid way of defining a built up area, as indeed has been done in the 1995 Local Plan. I see no objection in principle to a Neighbourhood Plan seeking to add an additional level of detail to the existing and emerging development plan definitions of built up areas by applying them to a particular village and showing the result of this exercise on a plan.
- 4.19 In this context, it is relevant to note that the District Council has changed its position on the advisability of defining a built up area boundary. It advised the first examiner that defining such a boundary ‘...*might be counterproductive*...’¹¹ although it did not see this as conflicting in any fundamental way with existing policies. Having considered the matter further it now takes the view that to delete such a boundary would result in a plan that would not reflect the community’s views and aspirations¹². In principle, I see nothing objectionable in this change of stance.
- 4.20 Such a boundary must, of course, be based on sensible principles that have been consistently applied. Attached to Alternative Modification 1 is a document entitled *Appendix A. HWNP Policy 1 Built Up Areas Methodology*. This sets out a number of guiding principles which underpins the definition of the built up area boundary together with implementation notes which assist in determining how these principles will be applied in practice. The document also contains a section called ‘*Methodology in Action*’ which describes, with examples, how the guiding principles have been applied in practice.
- 4.21 The guiding principles identified in the document include the provision that any distinct group of 30 or more dwellings and their immediate surroundings may constitute a separate built up area within the parish; that the built up area boundary will, subject to specified exceptions, follow clearly defined physical features; that sites with existing planning commitments will be included within the built up area boundary and that isolated properties and areas of ribbon or fragmented development which are physically or visually detached from the main built form will be excluded from the built up area as will sections of large curtilages which relate more to the countryside than the built up area.
- 4.22 I see nothing objectionable in these and the other guiding principles identified in the document. They and the implementation notes attached to them simply put flesh on the bones of the definition of built up area boundaries contained in the existing and emerging development plan and they provide some systematic basis for determining whether a site should be in the built up area or the countryside.

¹¹ 14 December 2015 Report. Page 20, second paragraph.

¹² District Council email dated 03/10/17.

- 4.23 The point has been made that the *Built Up Areas Methodology* document is not of itself an objective piece of evidence and this is true. But I do not see this as a fundamental criticism, as defining a built up area inevitably involves a series of subjective judgements. For the most part, the judgements made in this instance are uncontentious and having driven and walked around the area, I am satisfied that, by and large, a sensible built up area boundary has been defined and that this boundary is justified by the evidence and explanation set out in the *Built Up Area Methodology* document.
- 4.24 There are, however, two contentious areas. The first relates to the built up area boundary in the vicinity of the dwelling known as The Moorings. The proposed boundary includes the house but excludes the sizeable garden of this property. This garden contains a flood bank beyond which is the River Great Ouse. The flood bank is a clearly defined physical feature and the area of garden it encloses – with its mown lawn and its trees and shrubs – relates more to the character of the built up area than that of the countryside. The built up area boundary in the vicinity of The Moorings should, therefore, be altered to follow the line of the flood bank as indicated in **PM1**.
- 4.25 The second contentious area relates to the proposed boundary in the vicinity of Houghton Grange. Houghton Grange itself is included within the proposed built up area boundary as it has outline planning permission for housing (Ref: 1402210OUT) but the adjoining site, the BBSRC¹³ Field, is excluded. For the most part, this is understandable since this land, which consists largely of open pasture leading down towards the River Great Ouse, clearly has more in common with the countryside than the built up area.
- 4.26 However, this field also contains within it a freestanding group of buildings set close to Houghton Road on the northern boundary of the site. These buildings, like the buildings within Houghton Grange, are disused and partially overgrown but, also like the buildings within Houghton Grange, they have not blended into the landscape and should, therefore, be treated as previously developed land.
- 4.27 Nonetheless, this group of buildings is not particularly prominent, being surrounded by trees and brambles, and sits fairly unobtrusively in the surrounding countryside. It is, moreover, much smaller than the group at Houghton Grange and it is not physically linked to Houghton Grange. These are all cogent reasons for not including them within the built up area boundary. While it is true that part of this group, as well as a portion of land between it and Houghton Grange, are included within the boundary of the outline planning permission at Houghton Grange, the

¹³ Biotechnology and Biological Sciences Research Council.

current indications are that it will not be built on but will simply be used to provide access. On balance, therefore, I am satisfied that there are sufficient grounds for excluding this land from the built up area.

- 4.28 I also note that land to the south of the main house at Houghton Grange is excluded from the built up area although it is within the boundary of the planning permission for Houghton Grange. Once again, I consider that there are cogent reasons for this - these being that there is currently no indication that this land would be built on and, having visited the site, I am satisfied that the character and appearance of this area relates more to the countryside to the south than to the built up area to the north.
- 4.29 Before concluding on this matter, it is necessary to look at the terms of Policy HWNP1 as put forward in Alternative Modification 1. These simply give a brief definition of the term built up area, state that areas outside that boundary are part of the open countryside and make clear what policies will apply to the built up area and open countryside. There is no mention of sustainable development and flooding, matters which were mentioned in the previous version of this policy and which were of concern to the first examiner. I am satisfied that the terms of policy HWNP1 as now proposed are appropriate although they lack an element of precision in that they do not cross refer to the built up area boundary shown on the map. This deficiency would be remedied by making that reference as shown in **PM2**.
- 4.30 Drawing together my findings on Alternative Modification 1, I am satisfied that, subject to the changes I have proposed, adequate evidence for and explanation of the built up area boundary proposed is contained in the *Built Up Areas Methodology* document contained at Appendix A to this modification. I see nothing in national policy and advice or in the strategic policies of the development plan which preclude the definition of a built up area boundary for Houghton and Wyton nor have I seen any compelling evidence that the boundary proposed would hinder the achievement of sustainable development. Alternative Modification 1, as modified, would, therefore, meet the Basic Conditions.

Alternative Modification 2 – HWNP3 Anti Coalescence

- 4.31 The undeveloped gap between St Ives and Houghton and Wyton has been referred to in various terms in a range of planning documents and by various Planning Inspectors in different reports and decision letters. However, while the retention of this gap is of considerable importance to the local community, it does not feature unequivocally in any development plan policy.

- 4.32 The nearest that any development plan policy comes to safeguarding this gap is in saved policy En15 of the 1995 Local Plan. This policy states that: *"On open spaces and gaps for protection identified on the inset maps development which would impair their open nature will not normally be allowed."* However, as the Inspector at the former St Ives Golf course appeal noted, by including the word *"normally"* this policy allows for exceptions but does not indicate the circumstances in which they may arise¹⁴. He also points out that the policy notation for En15 only extends partway across the frontage of the gap between St Ives and Houghton and Wyton¹⁵ – something which I find surprising if this policy were indeed intended to safeguard the whole of the gap between the two settlements. He also took the view that neither the policy nor its supporting text indicated that the intended role for this policy was to preserve the separate identity of settlements¹⁶. I agree.
- 4.33 That is not to say that this gap should not receive some form of policy protection. Certainly, that is the wish of the community of Houghton and Wyton – and if this is to be done it is appropriate that it be done through a neighbourhood plan. Such a policy must, however have regard to the need to provide housing in the area.¹⁷
- 4.34 As has been established earlier in this report, the first examiner was satisfied that what she termed an anti-coalescence policy was justified but did not consider that the Local Settlement Gap defined in the submitted version of the Plan would meet the basic conditions. Her concern was that it would *"... prevent, or, at the very least, make it harder for the District Council to plan for the strategic needs of the District..."*¹⁸.
- 4.35 It is relevant to ask whether the same applies to the wording of Policy HWNP3 proposed in Alternative Modification 2. The District Council has confirmed that in its view Policy HWNP3 as now proposed *"...is not considered to have a material effect on the ability of the District Council to plan for the strategic needs of the district."* and points out that in the latest draft of the emerging Local Plan it is only intended to accommodate 400 houses in this area rather than 500 as proposed in an earlier draft¹⁹.
- 4.36 This statement warrants closer examination. Policy CS2 of the Core Strategy states:

¹⁴ Appeal Reference APP/H0520/W/15/3007954. Paragraph 21.

¹⁵ Ibid. Paragraph 22.

¹⁶ Ibid. Paragraph 28.

¹⁷ Paragraph 16 of the Framework.

¹⁸ 14 December 2015 Report. Page 24, second paragraph.

¹⁹ District Council's email 3 October 2017.

"....In the St Ives Spatial Planning Area where at least 500 homes will be provided. Of these, at least 100 homes will be on previously developed land, about 400 homes will be on greenfield land and about 200 will be affordable. Provision will be in the following general locations:

In a significant greenfield development to the west of the town;

In the redevelopment of previously developed land within the built-up area of the town."

- 4.37 The general location of the significant greenfield development to the west of St Ives is shown on the Key Diagram by way of an arrow pointing westwards out of the town towards Houghton and Wyton.
- 4.38 In the emerging Local Plan it is proposed to accommodate 400 homes within the site defined in Policy SI 1 and shown on Map 1 provided as a separate attachment to this report. This site consists of 5 parcels of land, these being;
- firstly, the former St Ives Golf Course which has planning permission for 184 dwellings and a new country park (Ref: 1301895OUT) which was granted on appeal and is now under construction;
 - secondly, The How which has a resolution to grant planning permission for 7 dwellings (Ref: 1201890FUL and Ref: 1201891FUL);
 - thirdly, the BBSRC Field which has an undetermined planning application for housing and other uses (Ref: 1301056OUT);
 - fourthly Houghton Grange, which has outline planning permission for an unspecified number of houses but which the District Council estimate could accommodate 90 dwellings (Ref: 1402210OUT); and
 - fifthly, a county wildlife site which presumably has limited potential to accommodate housing.²⁰
- 4.39 All these sites, with the exception of The How (the position of which can be deduced) are shown on Map 1 provided as a separate attachment to this report to this report. The BBSRC Field is referred to on this map as the Local Settlement Gap. Broadly speaking the Houghton Grange site is the western part of site SI 1 to the west of the Local Settlement Gap and to the north of the County Wildlife Site.
- 4.40 In other words, out of the 400 houses to be provided between St Ives and Houghton and Wyton, planning permission for some 281 dwellings has been granted or resolved to be granted on three of the five sites which make up this land. Of the remaining two sites, one is a county wildlife site which has limited potential for housing. This leaves the BBSRC Field as the only land at present which does not have either a planning permission, a resolution to grant planning permission or a restrictive policy designation attached to it. It is, therefore, on the face of it, the

²⁰ District Council's email 16 October 2017.

only land on which the remaining 119 or so houses allocated to this area could be sited.

- 4.41 I can understand the desire of the community to provide protection for the BBSRC Field. While there is other undeveloped land to the west of Houghton Grange, the BBSRC Field is the most prominent area of open countryside between St Ives and Houghton and Wyton and, when viewed from the road between the two, it gives long distance views towards the River Great Ouse. But Policy HWNP3 as now proposed includes the phrase;

Development will not be permitted if, individually or cumulatively, it would result in the loss of the visual and physical separation which currently exists between these two settlements, or would lead to their coalescence. (Emphasis added)

- 4.42 As it could be argued that any development would result in some loss of visual or physical separation as it now exists, this comes close to placing an embargo on development on the BBSRC Field.
- 4.43 Decisions as to which parcels of land should be developed in this area are to be made in the emerging Local Plan and that plan could change its approach to such development. It may be that the District Council intends to provide elsewhere for the remaining 119 or so houses allocated to this area. Additionally, or alternatively, it might be intending to reduce this number. However, it has given no indication that this is the case in either the emerging Local Plan or in the evidence to this examination. It is likely, therefore, that some difficult judgements will need to be made in that emerging plan as to where to provide for the number of houses required by Policy CS2 while treating the BBSRC Field as the cornerstone of the anti-coalescence Policy HWNP 3.
- 4.44 On the evidence available to me, however, I consider that the wording of Policy HWNP 3, which seeks to safeguard the visual and physical separation between the settlements which currently exists, would, to paraphrase the words of the first examiner, prevent, or at least make it harder for, the District Council to plan for the strategic needs of the District.
- 4.45 In this respect Policy HWNP 3 as now proposed would fail to meet the Basic Conditions in three respects. It would fail to have regard to national policy which includes the requirement to boost significantly the supply of housing²¹; it would not be in general conformity with Policy CS2 of the Core Strategy which allocates about 400 homes to a significant greenfield development to the west of St Ives and, consequently, it would not contribute to the achievement of sustainable development.

²¹ Paragraph 47 of the Framework.

- 4.46 I consider that these defects would be remedied by deleting the words "*which currently exists*" as shown in **PM3**. This would be a return to the policy wording proposed by the first examiner and, in my judgement, would give the District Council sufficient leeway to make the difficult decisions it faces.
- 4.47 Moving on to another matter. It has been pointed out that the supporting text to a planning policy is relevant in determining the proper application of that policy, albeit that this text is not part of the policy²². It is, therefore, relevant to this examination to consider the supporting text to Policy HWNP 3 contained in Alternative Modification 2.
- 4.48 While this text makes several references to the BBSRC Field remaining the 'cornerstone' of this policy and being '*at the heart of that area essential to ensuring anti-coalescence*' it does not refer to the need to provide for housing. In this respect, this supporting text is unbalanced and it should include a reference to the requirement for housing in the area as shown in **PM4**.

5. Conclusions

Summary

- 5.1 My examination has investigated whether the matters dealt with in the policies HWNP 1 and HWNP 3 meet the Basic Conditions and other legal requirements. I have had regard for all the responses made following consultation on the alternative modifications proposed to the two policies and the other evidence documents submitted.
- 5.2 I have made recommendations to change the Alternative Modifications. With these changes, I am satisfied Policies HWNP 1 and HWNP 3 meet the Basic Conditions and other legal requirements.

The Referendum

- 5.3 I recommend that the Plan should proceed to referendum in accordance with the recommendations made in the December 2015 Report, subject to:

²² Legal Principle 1 of the Consultation Notes for Alternative Modification 2 HWNP 3 Anti-Coalescence.

- the modification proposed on page 21 of the first examiner's report being replaced by Alternative Modification 1, subject to the changes proposed in **PM1** and **PM2** of this report; and
- the modification proposed on page 25 of the first examiner's report being replaced by Alternative Modification 2, subject to the changes proposed in **PM3** and **PM4** of this report.

Bob Yuille

Examiner

Appendix 1: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	The map attached to Alternative Modification 1	<i>The built up area boundary shown on this map should be modified to include part of the garden to The Moorings as shown on the map attached to the representation made by Mr David Mead on behalf of Mr William King.</i>
PM2	Policy HWNP 1	<i>The built up area boundary for Houghton and Wyton is shown on Figure....</i> (The map attached to Alternative Modification 1 needs to be given a number)
PM3	Policy HWNP 3	<i>Policy HWNP 3: Anti - Coalescence</i> <i>Development proposals should respect the individual and distinct identities of the village of Houghton and Wyton and the town of St Ives. Development will not be permitted if, individually or cumulatively, it would result in the loss of the visual and physical separation which currently exists between these two settlements, or would lead to their coalescence.</i>
PM4	Policy Justification to Policy HWNP 3	<i>Add the following paragraph at the end of this section</i> <i><u>The aim of preventing the coalescence of St Ives and Houghton and Wyton has, however, to be balanced against the fact that Policy CS2 of the Core Strategy allocates about 400 houses to a significant greenfield development to the west of the town. Planning permission has been granted for some of these houses a number of which have been built. Decisions as to where the remainder of these houses will</u></i>

		<u>be located will be made in the emerging Local Plan.</u>
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