

## NORTH DEVON COUNCIL

**REPORT TO: PLANNING COMMITTEE**

**Date: 12<sup>TH</sup> AUGUST 2020**

**TOPIC: RURAL SETTLEMENTS**

**REPORT BY: HEAD OF PLACE**

### 1 INTRODUCTION

- 1.1 On 12 February 2020, Planning Committee requested that a Supplementary Planning Document (SPD) be prepared in relation to Rural Settlements (minute 54).
- 1.2 Officers recognise that the approach to Rural Settlements within the Local Plan may not be delivering the opportunities for development that some Members may wish to see enabled. However, it is not possible for the approach of the Local Plan to be altered through the preparation and adoption of a formal SPD; rather it can only set out guidance as to how the policies of the Local Plan should be interpreted and applied. As such an SPD would not be able to change the approach to Rural Settlements that is already established clearly through the adopted Local Plan. Rather, some guidance has been prepared here to help explain and clarify the provisions and constraints of Policy DM24: *Rural Settlements*.
- 1.3 The Local Plan strategy for Rural Settlements is set out in Policies ST07(3) and DM24. The Glossary definition for a Rural Settlement is “*A small, closely grouped cluster of housing that contains at least one identified local service or community facility.*”
- 1.4 The policy wording in the Local Plan cannot be amended until the Local Plan is formally reviewed and updated. This guidance is intended to help to interpret, explain and clarify the policy.

## **2 RECOMMENDATIONS**

2.1 To note the report.

## **3 REASONS FOR RECOMMENDATIONS**

3.1 To fulfil the previous resolution by Planning Committee for an update.

## **4 REPORT**

### Settlement Hierarchy

4.1 The Northern Devon Settlement Hierarchy Assessment (SHA) that was prepared to inform the Local Plan, sets out which settlements qualify for each tier of the hierarchy.

4.2 Local Centres and Villages are identified at Policy ST07(1) & ST07(2) respectively. They each have a chapter in Part 2 of the Local Plan and are considered generally to be the more sustainable locations for development in the rural area, offering access to a range of services and facilities. Rural Settlements are less sustainable locations, however they are recognised to have some sense of place and/or community. To qualify as a Rural Settlement, Policy DM24 sets out a need for the place to contain at least one community facility from the following list:-

- community/village hall
- post office
- public house
- convenience shop (day to day living needs)
- place of worship
- sports playing field
- primary school.

4.3 Rural Settlements are not listed in the Local Plan because settlements could easily be added/lost if or when a new facility opens or closes – this keeps the concept flexible, up-to-date and robust. An indicative list of Rural Settlements is identified in Table 7 of the SHA but reflects facilities available in 2014, so is not necessarily comprehensive or up-to-date.

- 4.4 All identifiable settlements in the plan area were listed in the SHA as Appendix A. Not all settlements listed within the SHA would however be recognised through the Local Plan as an appropriate location for housing, nor be classified through the Plan's Settlement Hierarchy, with many being considered as Countryside because they fell below a particular sustainability threshold. Similarly, if a place is not listed it is too small or too scattered to classify as a separate settlement. As such it is likely to be an unsustainable location so treated as scattered development in the Countryside e.g. one farmhouse and a converted barn does not make a settlement, nor does a small group of 3 or 4 homes without any facilities.
- 4.5 The Local Plan does however recognise that there is a need for development in the Countryside, and Policy ST07(4) is an enabling policy providing for development appropriate in a Countryside location, as enabled by other Local Plan policies.

### Clusters

- 4.6 The SHA (paragraph 7.17) recognised some settlements as a cluster (to be considered in combination). The Settlement and Distribution Strategy Topic Paper (CE8) prepared for the Local Plan examination (2016) recognised in paragraph 4.19 that some settlements function collectively and were considered jointly. All of these are identified already as Villages or Main Centres in the Local Plan, apart from a Marwood cluster (Prixford, Muddiford, Kings Heanton, Milltown, Marwood, Guineaford).
- 4.7 Despite the SHA assessing this Marwood cluster as a collective settlement that functions collectively, it was not taken forward as an identified settlement into the Local Plan; it is not identified anywhere in the adopted Local Plan. Nor does the plan enable a cluster of places to be considered as a Rural Settlement. The Glossary definition for Rural Settlements defines them as "*a small, closely grouped cluster of housing containing at least one identified local service or community*" so it relates to a single place only.

- 4.8 As such, Policy DM24 and ST07(3) wouldn't enable clusters of places (such as the Marwood cluster) to be considered collectively to comprise a Rural Settlement and benefit from the policy provisions that support particular forms of development at such locations. Those places that are simply clusters of housing, that do not contain a prescribed service or facility cannot be considered to comprise a Rural Settlement under the Local Plan.
- 4.9 Nevertheless, several settlements in the Marwood cluster will qualify as Rural Settlements in their own right: Muddiford has a public house and church; Milltown has a village hall; Marwood has a church. However the other settlements within Marwood parish not containing an identified community facility would not qualify.

### Sustainability

- 4.10 The Local Plan provides a positive framework for enabling development in rural areas that accords with national planning policy. However there is already a very fine line between 'Rural Settlements' and the 'Countryside' in Policy ST07. The presumption of the planning system is to deliver sustainable development; directing housing in rural areas to places where it would enhance or maintain the vitality of rural communities, identify opportunities for villages to grow and thrive, whilst avoiding isolated homes in the countryside – NPPF paragraphs 78 & 79.
- 4.11 With the exception of the defined Countryside, Rural Settlements are the least sustainable places identified in the settlement hierarchy of the Local Plan. They are not, on the whole, inherently sustainable places and their residents will need to travel to meet their day-to-day needs. Their identification through the provision of at least one prescribed service or facility is a proxy for scale of place and to delineate them from hamlets, or more sporadic clusters of housing in the Countryside.
- 4.12 Places isolated from any services and community facilities are effectively considered to be part of the Countryside. The NPPF also indicates (paragraph 79) that decisions should avoid the development of isolated homes in the countryside.

- 4.13 The allowance of housing for local needs in Rural Settlements, reflects the approach of national planning policy that advocates that in rural areas policies and decisions should support housing that reflects local needs (paragraph 77). It is a recognition that these places do tend to have a sense of community, associated social sustainability and that there will be local housing needs arising from existing residents or workers, but not that they are inherently sustainable places for in-migration and therefore market housing. Residents will need to travel, in most cases by private motor vehicle, to access employment and services on a day-to-day basis; which may be in conflict to the principles of sustainable development such as those set out in the Local Plan (Policies ST02(c) & ST12(3)(a)) and the NPPF (paragraph 103).
- 4.14 Open market housing should typically be directed to larger places such as Local Centres, which are intended to meet wider than local needs (Policy ST07(1)) or, to a lesser extent, Villages which are intended to meet their local needs and growth aspirations (Policy ST07(2)).
- 4.15 Exception sites for affordable housing (Policy ST19) are already allowed within and adjoining Rural Settlements. Rural Settlements remain as an appropriate location for housing to be directed to meet an identified local need – either as occupancy tied or affordable dwellings. This approach, the associated spatial strategy and hierarchy in the Local Plan, is considered to fully accord with the principles of national planning policy (NPPF paragraph 77) which indicate that in rural areas, planning policies and decisions should ... support housing developments that reflect local needs.

#### Five Year Housing Land Supply

- 4.16 When the Councils are jointly unable to demonstrate at least a 5 year housing land supply, the presumption in favour of sustainable development will apply in the determination of applications for housing (NPPF paragraph 11). Should proposals for open market housing be forthcoming in places where this would not be supported by the Local Plan, the decision taker will have to weigh

the benefits and harm to establish whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits; having regard to the development plan and the provisions of national planning policy taken as a whole and all other material considerations.

- 4.17 In such circumstances, the inability to demonstrate a five year housing land supply does not sweep away the provisions of the Local Plan, however there is more of a judgement to be made by the decision taker on the acceptability of a proposal, weighing the benefits and harm. The decision taker must however be satisfied that the approach can be justified on the basis of the individual circumstances of the case, having regard to the Local Plan, national planning policy and any other relevant material considerations. It is also important to be mindful of any precedent that a decision may establish.
- 4.18 Decision takers may wish to consider the sustainability credentials of a place when coming to a decision, and how these may accord with the Local Plan as well as wider national planning policy. They may also wish to consider what weight should be attributed to the harm of a speculative open market dwelling in a relatively unsustainable location, compared to the support for the provision of a local needs dwelling to meet an identified local household's need.

#### Local Plan Review

- 4.19 Policies in an adopted Local Plan can only be amended through the adoption of an update to, or replacement of, a Local Plan. This provides the opportunity to reconsider the approach and strategies for particular matters and places. When the Local Plan is being reviewed, there is an opportunity for the Councils to revise the policy approach for rural areas, which could include considering the appropriateness of clusters of settlements. National planning policy (NPPF paragraph 78) permits such an approach recognising that, where there are groups of smaller settlements, development in one village may support services in a nearby village. This is therefore a matter that can be explored through a future plan review, however

it is not possible to amend the adopted Local Plan to introduce clusters until it is being reviewed.

## **5 RESOURCE IMPLICATIONS**

5.1 No resource implications.

## **6 EQUALITY and HUMAN RIGHTS**

6.1 There are not considered to be any negative equality impacts arising from the report.

## **7 CONSTITUTIONAL CONTEXT**

Article and paragraph	Referred or delegated power?
Part 3, Annexe 1.1	Delegated

## **8 STATEMENT OF CONFIDENTIALITY**

8.1 This report contains no confidential material under the provisions of Schedule 12A of 1972 Act.

## **9 BACKGROUND PAPERS**

9.1 The following background papers have been used in the preparation of this report:-

- National Planning Policy Framework (February 2019)
- North Devon and Torrington Local Plan (adopted October 2018)
- Northern Devon Settlement Hierarchy Assessment (2014)
- The Settlement and Distribution Strategy Topic Paper (2016)

9.2 Background papers will be available for inspection and will be kept by the author of this report.

## **10 STATEMENT OF INTERNAL ADVICE**

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

---

Lead Member: Cllr Malcolm Prowse

Author: Andrew Austen (Lead Officer Planning Policy) Date: 3<sup>rd</sup> August 2020

Reference: Planning 12 August 2020 (Rural Settlements)

