

Starting Point for Neighbourhood Plan Policy Assessment

The principles of the planning system is to contribute to the achievement of sustainable development – National Planning Policy Framework) NPPF para 6.

There are three strands – economic, social and environmental – NPPF para 7.

There is a presumption in favour of sustainable development – para 14, 15, 16 etc

A NDP through its basic conditions as set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 is required (amongst other requirements) to contribute to sustainable development.

In achieving this objective (and the three strands) inevitably there will often be circumstances where policies pull in different directions – ie we want to building more houses (social), employment (economic) against landscape impact, ecology implications, traffic, neighbours etc (environmental). Therefore when decisions are a balanced approach taking into account all policies needs to be undertaken – the Planning Balance. The NPPF confirms that in reaching a decision policies should not be read in isolation, they should be read as a whole.

Ultimately which way the balance pulls will depend upon the weight attributed to policies and how much of a conflict there is with them. Therefore in considering the text in policies this balancing (weighting) approach (and how they will be used) always needs to be considered at the back of the mind.

A policy that says 'no harm to neighbouring residential amenities' or 'no increase in traffic' or 'no harm to landscape character' will run the risk of being too restrictive and failing to confirm with the presumption in favour of sustainable development. The NPPF and the Cornwall Local Plan allows harm – it is often worded along the lines of resisting significant harm. Or material harm and such like. We therefore need to think smartly about wording, looking at how the NPPF and the Cornwall Local Plan tackle this and ultimately to try and be permissive in the wording whilst restricting what we do not want.

We also need to think about how a developer would interpret policies. Where are the gaps, what does the specific wording actual mean, - see below as an example on the wording of hamlets, small settlements.

In considering the current policies in the NDP I have assessed them in terms of their conformity/ duplication of NPPF and Cornwall Local Plan policies; their justification and if further evidence is required; and analysed the wording and suggested changes where appropriate.

Policy H1: Housing Development

- a) Small-scale housing development shall be permitted at a level that is commensurate with and that will help to support social and community facilities available in the Parish. This would entail a growth of approximately 10% over the period of the plan. This shall be developed through:
 - i. Infill development of one or two dwellings in the village, hamlets and small settlements.
 - ii. Affordable Housing; where there is a demonstrated local need for affordable homes within the Parish.
 - iii. The conversion of suitable disused buildings.
 - iv. Housing for a rural worker; where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- b) New buildings should be designed to blend in with existing dwellings in the immediate area.
- c) The design of new housing should normally be in traditional Cornish style where that would be in keeping with existing buildings in the immediate area. All new homes should take steps to comply with the guidance set out in the Cornwall Council’s Design Guide.
- d) To preserve and enhance the green infrastructure which helps to give the area its unique character, all new housing development should include the planting of one or more trees, of species which are native and common in Cornwall. New trees should be planted to replace any trees that were felled during construction
- e) For any new homes, or when buildings are converted for residential use, the installation of bat and owl boxes to protect and enhance the habitat will be encouraged and supported

Policy conformity/ Duplication	Justification/ Evidence Base	Wording
<p>The overall principal and direction of this policy conform with the housing policies/ presumption in favour emphasis in the CLP and the NPPF.</p> <p>There are a couple of specific queries about sections of the wording and if they absolutely conform – suggested rewording is outlined in the Wording section.</p>	<p><u>The housing number</u> The key evidence base is from the CLP – the adopted version no longer refers to a pro rata distribution of the CNA housing apportionment to Parishes (minus AONB parishes) but the Council are suggesting that this approach is the best option for defining a housing figure for NDP’s. Ultimately this will represent a very low figure based upon the number of households in the parish. The figure of 10% increase in household numbers</p>	<p><u>Policy a) i.</u> refers to ‘Infill development of one or two dwellings in the village, hamlets and small settlements’.</p> <p>There a couple of queries here:</p> <p>What does ‘infill’ mean? This is not defined in the NDP – you may wish to use the CLP definition, if so you need to refer to it directly, otherwise ‘infill’ will be applied on a case by case basis and could be interpreted in a number of ways.</p> <p>Why are we only allowing for ‘one or two’? Where is the justification for this? Why is 2 ok and 3 inappropriate? Perhaps using ‘small scale’ and then explaining that this means typically one or two dwellings in the supporting text – and providing a justification for such an approach – ie character of the area, commensurate growth.</p>

	<p>seems high – this would equate to 21 dwellings. If the Parish contains 7% households of the CNA excluding Callington then a pro-rata distribution would be around 13 dwellings. We would need to minus settlements in the AONB to calculate the households but ultimately the conclusion is that – yes we need to plan for housing, as the CLP has identified enough windfall then no allocations are required, but do we need to provide a figure of any sort. If you want to provide for 10% increase that is fine, but this is higher than what the CLP is directing you to do and ultimately you do not have too.</p>	<p>The reference to ‘in the village, hamlets and small settlements’ would in principle allow infill development in a number of locations. This maybe intentional, but in theory would allow for development in locations where there are only a small cluster of buildings, this I believe goes beyond what the supporting text states – are you happy with this? Perhaps you want to define what you mean by a hamlet or small settlement. I’m particularly minded about this point based upon a couple of recent appeal decisions where very small scale hamlets have been considered suitable in line with this type of policy direction. It makes sense to define or even name the places you are referring to as being appropriate and thereby by through omission ruling out other areas – if you do not it will be up to the decision maker to work this out.</p> <p><u>Policy a) ii</u> In theory this wording allows for affordable housing anywhere in the parish – I would suggest that you mean on the edge of settlements (do you want to define which ones?) It also does not say how many – this I would suggest needs to say small scale You will also need to say affordable housing led to ensure conformity which the CLP (policy 9) and the NPPF (para 54) How do they evidence local need? – Policy 9 of the CLP refers to the Cornwall Housing Register (I would link your policy to policy 9 with regard to identifying need) – do you want to do anything more than this such as your own housing needs assessment (it’s not essential but some groups have done it)?</p> <p><u>Policy a) iii</u> What does ‘suitable’ mean? A lot of buildings could meet this definition? Would a large outbuilding be ‘suitable? Do you want other criteria – historical merit etc? that it’s redundant? (this is criteria in the CLP and the NPPF)</p>
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		<p><u>Policy a) iv</u></p> <p>I would suggest that the wording relates to an essential need for the 'business' rather than for the 'worker'. This is reflective of the CLP and the NPPF. If the justification relates to the worker, then in theory you are not strictly applying it to the business which ultimately is the reason why you are supporting this policy.</p> <p><u>Policy b)</u></p> <p>Understand the intention here, wonder if we need to work on the wording as 'blend' is not in my view the right wording and could get mis-applied – ie a blend is a mix of things – I would suggest that you mean more along the lines of 'complimenting'.</p> <p>You may also struggle in directing absolutely to the traditional Cornish style across the board – are there certain areas where this is more important than others –The NPPF stresses that contemporary design shouldn't be ruled out but also refers to local distinctiveness. There are various styles of development in the parish – is it justified to be so specific? If so I would suggest it should be localised to certain areas? It's good to reference conformity with the design guide – I would be stronger – all proposals 'should' comply ...</p> <p>I would suggest something like: 'Any new development proposal should demonstrate how it reflects and complements the locally distinctive character of the site and its immediate context.'</p> <p><u>Policy c)</u></p> <p>Yes good intentions but is it justified to absolutely require this – (what is the justification – my perception is that not all areas of the parish have trees). It appears to me to be unjustified to absolutely require trees to be planted to make the development acceptable. However the wording</p>
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		<p>'should' does not absolutely require it, I think with a little more justification this could potentially be kept. Have we any evidence base about why this policy is required? Needs greater justification in my view.</p> <p><u>Policy d)</u></p> <p>Yes good – I would however be not so specific, we should be encouraging all sorts of measures- bee bricks, hedgehog friendly fences etc. I think we should talk to Natasha Collings-Costello, the ecologist at Cornwall council about her recommendations for a policy.</p> <p>Other Questions</p> <p>Why have you not mentioned parking at all? Orientation to accommodate solar is in the supporting text but has not followed through into the policy – do you want to encourage this?</p>
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Summary

- consider if you really want to include the 10% figure
- define 'infill' or refer to the CLP definition
- add *typically of one or two dwellings* into the policy wording or alternative replace with 'small scale'
- reconsider the reference to 'in the village, hamlets and small settlements' and the implications of what these actually mean – do you want to define what villages, hamlets and small settlements are?
- Reword affordable housing policy to indicate where this should be – ie on the edge or well related to villages, hamlets.. etc
- Policy iii – what does 'suitable' mean
- Policy iv – suggest reword to the essential need for the business rather than the worker
- Policy b – reconsider 'blend' – perhaps 'compliment'. Also consider the appropriateness of the traditional Cornish style across the board, is this necessary? Does this conform with the NPPF?, should it be directed to specified areas only? If so where and why?
- Policy c - the wording 'should' rather than 'must' may be enable this to be kept – can we support with some justification? Why do trees need to be planted – is there a visual/ character reason?
- Policy d- suggest broadening through dialogue with the council's ecologist – Natasha Collings- Costello
- Normally parking provision is a typical for such a policy, do you want to consider this also?
- Do you want to add in text about encouraging the orientation of development to accommodate solar panels/ solar gain etc?

Policy B1: Small Businesses – Change of use

- a. The change of use of existing agricultural and residential buildings and outbuildings to A1 (shops), A2 (financial, professional services), A3 (restaurants and cafés), A4 (pubs), B1 (businesses suitable for residential areas without loss of amenity) and C1 (hotels and guest houses) will be permitted provided that the change of use:
 - i. Would not have a materially adverse impact on the amenities of nearby residential properties or the rural environment in terms of its scale and visual appearance, noise, effluent or fumes it would emit, and the traffic it would generate.
 - ii. Would not give rise to an unacceptable increase of road traffic.
- b. When buildings are converted for commercial use, the installation of bat and owl boxes to protect and enhance the habitat will be encouraged and supported.

General Comment

The use of existing buildings for alternative uses is a priority in the NPPF and the Cornwall Local Plan. This presumption in favour relates to all types of uses including the above but also wider uses such as residential and holiday lets.

Also there are a number of permitted development rights for conversions of agricultural buildings to all sorts of uses that would not require planning permission and would therefore not be required to be assessed against this policy – this includes residential uses.

Therefore my key point bearing in mind the above is what is this policy trying to achieve?

It permits uses that the NPPF, CLP and/ or permitted development rights already allow, it is silent on other uses – therefore somebody applying for a residential/ holiday let use via a conversion would be able to demonstrate no policy conflict as this policy does not prevent those types of changes from happening (and quite rightly as such a restriction would be in conflict with the NPPF and the CLP).

Point a i., a. ii. and b are good (with some subtle changes to wording) and I feel that rather than embedding them here, they should form the basis of a general policy that relates to all development (and includes some wider points).

My advice therefore is that the business sentiment here is captured in a single overarching business policy (see B2) and the other points fall into a general design policy (see comments on these below).

Policy conformity/ Duplication	Justification/ Evidence Base	Wording
Para 17 of the NPPF ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’	These general policies and fundamental principles for development in the area – in general terms they are self-evident and do not require any further evidence or justification.	<p><u>Policy a. i</u></p> <p>At the starting point i would suggest a rewording that more closely aligns with the NPPF because I feel ‘<u>materially</u> adverse’ could be quite a high marker to demonstrate</p>

<p>Para 123 of NPPF states:</p> <p>‘123. Planning policies and decisions should aim to:</p> <ul style="list-style-type: none"> ● avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; ● mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; ● recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and ● identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. <p>Para 122 of the NPPF refers to emissions as follows:</p> <p>‘In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the</p>	<p>The possible area for exceptions are as follows:</p> <p><u>Landscape</u>: there are 2 landscape character assessments covering the parish – see: https://www.cornwall.gov.uk/environment-and-planning/cornwalls-landscape/landscape-character-assessment/</p> <p>Some NDP’s groups have done updated localised versions of these in accordance with Cornwall Council guidance see: https://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning-toolkit/preparing-a-neighbourhood-plan/stage-2-developing-the-plan/stage-2a-getting-to-know-your-neighbourhood/local-landscape-character-assessment/</p> <p>This is not essential but worth considering.</p> <p><u>Noise</u></p> <p>Para 123 of the NPPF final bullet point refers to identifying and thereafter protecting areas of tranquillity that are recognised for their <u>recreational and amenity</u> value.</p> <p>Can we obtain any evidence on existing noise for the parish? Can we identify recognised areas for their recreational and amenity value? If so we can place</p>	<p>failure to comply with.</p> <p>Such as ‘would not adversely impact on the amenities of existing and future residential properties’.</p> <p>I would then separate the following as separate points:</p> <p>Rural environment: ‘Integrates appropriately into the rural environment in terms of scale and appearance taking into account and responding to the ‘Planning and Land management Guidelines’ contained within the relevant Landscape Character Assessment covering the site’</p> <p>Noise: See comments on evidence base. The strength of criteria to assess development against will depend upon the weighting that can be attributed to the area – can we establish if the area fulfils the criteria under the final bullet point of para 123 of the NPPF? If not, the strongest this criteria can be is ‘not resulting in significant adverse impacts on health and quality of life arising from noise of new development’.</p> <p>Effluent and Fumes: NPPF para 122 makes a key point, the planning system should deal with the appropriateness of a use of the land proposal rather than deal with the resulting impact of a use in terms of pollution. I therefore suggest rewriting to capture this point along the lines off:</p> <p>‘resist uses of land and buildings that are likely to give rise to pollution, effluent, dust and fumes where such a use would have an adverse impact upon sensitive receptors in terms of health, amenity and biodiversity’.</p>
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<p>use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'</p> <p>Para 32 of the NPPF explains that: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are <u>severe</u>.'</p>	<p>higher criteria on noise impacts of developments, if not then the criteria is as per the earlier bullet points in policy 123 not resulting in <u>significant</u> adverse impact.</p> <p><u>Traffic:</u> Are there areas of traffic problems, congestion, on street parking etc? Monitoring and recording of problem areas could help justify focused policies if required.</p>	<p><u>Policy a. ii</u></p> <p>The NPPF test on transport impact is 'severe'. This has to be borne in mind when considering the wording of transport related policies. It is likely to be difficult to include the wording as proposed. However the justification for the policy appears to me to be as much about a visual/ character impact rather than a specific traffic increase issue. It may be better and stronger to focus on these points, for example – 'any road improvements that are considered necessary to facilitate development should not adversely impact upon the rural characteristics of road networks in the parish through the widening of highways, loss of hedgerows, provision of street lighting, etc'</p> <p><u>Policy b</u></p> <p>Why is this requirement only referring to 'commercial use'? surely this applies to all uses – I would suggest stronger wording here and again would suggest discussions with Natasha about suggested text – again if placed in a general all-encompassing policy this would be better.</p>
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<p><u>Summary</u></p> <ul style="list-style-type: none"> - Suggest that the business element of this policy is merged with a single business policy - Suggest that a an overarching 'all development' policy is provided that covers the wider points in this policy (and other points that may emerge) see suggested amendments to wording.

<p><u>Policy B2: Small Businesses – New Build</u></p> <p>a) The construction of new single business premises of up to 150m2 floor area and not exceeding 4m in height for A1 (shops), A2 (financial, professional services), A3 (restaurants and cafés), A4 (pubs), B1 (business suitable for residential areas without loss of amenity) and C1 (hotels and guest houses) will be permitted provided that the new building:</p> <ol style="list-style-type: none"> i. Is of an appropriate scale and it is sited, designed and landscaped to be sympathetic to the character and appearance of neighbouring

residential properties.

ii. Would not have a materially adverse impact on the amenities of nearby residential properties or the rural environment in terms of its scale and visual appearance, noise, effluent or fumes it would emit, and the traffic it would generate.

iii. Would not give rise to an unacceptable increase of road traffic.

iv. Where possible any roofs for new business premises should be orientated to allow for the efficient use of solar panels.

b) Exceptionally, new buildings larger than 150m² will be permitted:

v. Where the above criteria (i to iii) are satisfied.

vi. The need for business to be located in the area is demonstrated.

vii. There are no buildings suitable for conversion in the area.

c) Any new commercial development should include the planting of trees, of species which are native and common in Cornwall.

General Comment

As a starting point I have a fundamental concern with the conformity and reasonableness of the specific restrictions in this policy. Whilst I understand the reasoning, I believe to achieve a similar end result you will need to far less specific.

My key concerns are with 'up to 150 m²' – where has this come from? Why is 150m² ok and 151m² not?

Similarly (4m) – why is 4 ok and 4.1 not?

Also these restrictions are focused on specific business uses – the unintended implication of this is that they do not apply to wider business uses – for example a b2 or b8 use is not prevented through this policy (quite rightly) but it also would not need to conform with these 150m², 4m high restrictions either.

Finally (similar to affordable housing) you have not specific locations, therefore this policy would allow employment uses anywhere in the parish.

My suggestions for a business policy is something along the lines of the following:

Policy: Business

New business and commercial development will be supported in the parish subject to the following criteria:

- The siting of the development is located within, adjoining or well related to XXXXXX (list appropriate villages/ settlements) unless a business justification for a rural location is robustly evidenced and justified.
- The size, siting and scale of the use will be commensurate to its surroundings
- Development should where possible be orientated to allow for the efficient use of solar panels

- Priority will be given to the conversion of existing buildings or the use of brownfield sites, new buildings on greenfield site will be required to evidence why a conversion or use of an existing brownfield site is not possible
 - Development must retain trees and hedgerows and should seek to include additional planting and landscape management.
 - Outside storage areas should be adequately screened from public view, including from neighbouring residential properties.
 - Proposals must include details of appropriate treatment of boundaries, and means of enclosure and surfacing within the site
- Existing employment sites should remain in employment use. Proposals which lead to the improvement, modernisation or upgrading of current employment sites will be welcomed and supported, subject to there being no adverse impacts on the amenity of neighbours.

Policy E1: Renewable and Low-Carbon Energy

- a) New development for domestic scale energy efficiency and/or energy production from renewable and low-carbon sources will be supported where they do not have an adverse effect on the surrounding area and:
- i. They relate to an existing or proposed property in the Parish
 - ii. They are subordinate in scale to the existing building
- b) For larger scale projects preference will be given to community led initiatives for renewable and low-carbon energy and will be supported where they do not have an adverse effect on the surrounding area and:
- i. They meet local needs and provide a benefit
 - ii. Parish residents are closely involved and support the scheme
 - iii. Any financial or practical benefits are retained within the Parish

General Comment

- A lot of domestic type energy proposals are permitted development and do not require planning permission
- In terms of larger scaled schemes – wind turbines are now required to be allocated through a local plan or a neighbourhood plan, if they are not then they are simply refused – see written ministerial statement July 2015
<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150618/wmstext/150618m0001.htm#15061882000002>
- Bearing the above in mind the policy would need to be redrafted to take account of those schemes that require planning permission and assuming you do not wish to formally allocate a turbine, to only deal with solar or other renewable development proposals.
- Turning to the final points on large scale schemes the planning system does not justify financial or practical benefits to be retained within the parish, if such an agreement is reached this has to be done outside of the planning system and therefore cannot be detailed in policy. Any provisions as a result of the development through a planning obligation (the only method to obtain financial benefits or that through the Community Infrastructure Levy) are controlled through para 204 of the NPPF which reads as follows;
 - *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development.*

My advice is that what is retained from this policy having regard to the above is relocated into the 'all development' policy.

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Policy C1: The Parish Hall, Golberdon
 a) Applications which promote the continued improvement of the Parish Hall at Golberdon (shown in Fig. 2) for use by the local community for social and educational reasons will be supported.

Policy conformity/ Duplication	Justification/ Evidence Base	Wording
<p>Para 70 of the NPPF seeks to: • 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; • ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community’.</p>	<p>I have no doubt that the facility is of value to the community. I would suggest some supporting evidence is provided about the activities that are undertaken there, regularity of bookings etc to help substantiate its value.</p>	<p>I believe there is another strand to this policy and whilst it could be termed as duplication of what the NPPF says, I think it is of value to provide the local context by specifically naming the facility. The only query I have got is whether you would support the development of the facility if a suitable alternative would be provided as a result? (some policies in NDP’s make reference to this option also) – see St Mewan example below-</p> <p>The change of use or redevelopment of a community building identified on Appendices 1, 2 and 3, as “Community Buildings” to a non-community use will only be permitted where the community facility is:</p> <ul style="list-style-type: none"> (a) incorporated or replaced i.e. of the same quality and quantity or better provision within the new development; or (b) relocated to a more appropriate building or to a location which improves its accessibility to potential users; or (c) is no longer required because there are easily accessible alternatives in the locality which can offer the same facilities

Summary
 Existing strand is acceptable, but it doesn’t actually deal with a proposal to change the use of the building to an alternative – I would therefore

recommend the second strand that seeks to resist the loss of the building to alternative non-community uses – consider the St Mewan example and potential re drafting.

Policies C2 - C3

General Comment

The NPPF through para 76 refers to option for a Local Green Space Designation within an NDP.

Para 77 states that:

The Local Green Space designation will not be appropriate for most green areas or open space. The 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.

Para 78 explains that ‘Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.’

As you can imagine the policy test for green belts is strong, I would therefore recommend that the 3 areas referred to in policy C2- c3 are designated as a Local Green Space as they conform directly with the requirements of para 77 of the NPPF above.

I would suggest a policy in replacement of C2 and C3 as follows (and perhaps include other areas that accord with para 77 requirements as well).

Policy- Local Green Space Designations

The areas outlined on Figure 3: Children’s play Area at Golberdon and Figure 4:Goldberdon Recreational Field are formally designated as Local Green Spaces in accordance with paragraph 77 of the National Planning Policy Framework. These areas shall be safeguarded as public open spaces and amenity areas and development impacting upon these areas will be required to conform with the requirements of paragraph 78 of the National Planning Policy Framework.

Other Policy areas commonly found in NDP’s

Rights of Ways – safeguarding improvements, new routes linking two specified areas where seen as desirable

Project List – referring to a list that will be kept and updated by the parish council that will be the focus for CIL monies