



Lewes District Local Plan Part 2:
Site Allocations and Development Management Policies
Examination

Lewes District Council

Response to Inspector's Questions

Matter 8

March 2019

Matter 8 – Are the Plan’s provisions for planning boundaries in policy DM1 justified and effective?

Inspector’s Question

8.1 Is the policy sufficiently focused on protecting vulnerable gaps of countryside between settlements?

1. LDC Response

- 1.1 The role of Policy DM1 and its supporting text is to explain how the settlement planning boundaries defined on the Local Plan Policies Map will be applied in the management of development within and outside the planning boundaries of towns and villages in the plan area. It operates in the context of Spatial Policy 2 of the Local Plan Part 1 (CD031, pages 51-52), which identifies the scale and distribution of housing development planned across the district.
- 1.2 The Council has amended the settlement planning boundaries established in the 2003 Local Plan to incorporate the strategic sites allocated in the Local Plan Part 1, the small-scale housing allocations proposed in the Local Plan Part 2, and housing allocations identified in ‘made’ neighbourhood plans. This is consistent with the role and purpose of planning boundaries set out in paras.4.5 – 4.7 of the Local Plan Part 2.
- 1.3 The Council acknowledges the importance of retaining gaps of open countryside between towns and villages in the plan area, particularly in terms of maintaining the distinctive character and identity of individual settlements and achieving the Plan’s vision for the rural area of the Low Weald (CD031, page 35). This consideration has therefore been a factor in determining the location of future housing growth over the plan period and, hence, the definition of the settlement planning boundaries on the Policies Map.
- 1.4 Nevertheless, the function of the planning boundaries is to make a clear distinction between town and village locations where, in principle, further development would be acceptable, and the countryside (i.e. outside of the planning boundaries) where development would only be acceptable in certain circumstances. The need to prevent settlement coalescence is only one of a number of factors that have been taken into consideration in the process of defining the planning boundaries.
- 1.5 The Council has no evidence to demonstrate that a policy specifically seeking to protect vulnerable gaps of countryside between settlements is justified at present. In order for such a policy to be effective, it would be necessary to identify and define the scale and extent of the gaps necessary to protect the individual identities of separate settlements on the Policies Map. This would require considerable analysis and evidence from studies of landscape character and sensitivity, which would have to be specially commissioned.

1.6 This option can be further examined as part of the review of the Local Plan, scheduled to commence in 2020 (CD014, page 6). In the meantime, the Council is confident that Policy DM1 will provide a robust and effective framework for decision-making and that there is currently no evidence of a need to provide further policy protection for gaps of countryside between settlements within the plan area.

1.7 Proposed Modifications

None

Inspector's Question

8.2 Is Policy DM1 too restrictive, especially in relation to the need to accommodate an additional 468 windfall dwellings as set out in the Plan?

2. LDC Response

2.1 The overall spatial strategy for Lewes District is set out in the Local Plan Part 1 (CD031). This seeks to achieve a balance between accommodating the district's development needs, particularly for homes and jobs, and protecting the high quality of its natural and built environment. The planning boundaries perform an important role in this strategy by positively focussing growth on the most sustainable settlements in order to reduce the need to travel, encourage the re-use of brownfield sites and protect the intrinsic character and beauty of the countryside.

2.2 Spatial Policy 2 of the Local Plan Part 1 (CD031, pages 51-52) identifies the scale and distribution of housing development planned across the district. It makes provision for housing to be delivered on strategic site allocations identified at Lewes, Newhaven, Peacehaven, Ringmer and the edge of Haywards Heath, together with non-strategic sites at other identified locations to be allocated through the Lewes District Local Plan Part 2, the South Downs National Park Local Plan or Neighbourhood Plans.

2.3 Spatial Policy 2 recognises that other sites will be needed for housing development over and above site allocations during the plan period, for example to meet the 600 dwelling windfall element of the housing delivery target. This windfall allowance will primarily be met on small-scale unidentified sites within the settlement planning boundaries, as described in the final paragraph of the Spatial Policy 2.

2.4 As explained at paragraphs 2.1 - 2.14 of the Local Plan Part 2, the proportion of the district's housing growth identified in Spatial Policy 2 that will need to be delivered outside of the National Park is 5,494 dwellings. Small-scale windfall or unidentified sites will contribute 468 dwellings towards this housing delivery target.

- 2.5 A key part of the strategy to accommodate non-allocated development within the settlements in the plan area, expressed in the wording of Spatial Policy 2, is the use of planning boundaries to define where development is considered to be acceptable in principle. Policy DM1 and its supporting text therefore sets out how the settlement planning boundaries defined on the Policies Map will be applied in the management of development within and outside the town and villages within the plan area.
- 2.6 A number of representations have expressed concern that the proposed planning boundaries have been drawn too tightly to allow for the delivery of the plan's housing requirements. However, the settlement planning boundaries established in the 2003 Local Plan have been amended to incorporate all existing housing commitments. These include both implemented and unimplemented planning permissions, the strategic sites allocated in the Local Plan Part 1, the non-strategic site allocations proposed in the Local Plan Part 2, and the housing sites allocated in 'made' neighbourhood plans.
- 2.7 We believe that there is ample scope within the revised settlement planning boundaries to accommodate the supply of 468 dwellings on windfall sites. By definition, windfalls are sites that have not been specifically identified in the plan preparation process and hence unexpectedly become available. Windfall sites, particularly on small sites of five dwellings or less, have consistently come forward for housing development within the planning boundaries in the past and are expected to continue to be a reliable source of housing supply over the plan period.
- 2.8 This was recognised by the Planning Inspector of the Local Plan Part 1, who concluded that the housing delivery target should include an allowance of 600 dwellings for completions on small-scale windfall, or unidentified, sites over the plan period. This windfall allowance was included in the housing delivery target set out in Spatial Policies 1 and 2. There is no suggestion in the Inspector's report that the settlement planning boundaries would need to be redrawn in order to accommodate this allowance (CD072, para.29).
- 2.9 Policy DM2 of the Local Plan Part 2 also allows for the provision of affordable housing to meet local needs on rural exception sites outside of the planning boundaries, in accordance with Spatial Policy 2, whilst Policies DM3 and DM4 permit the construction of new dwellings for agricultural and other rural workers and the conversion of redundant rural buildings to residential use respectively, subject to certain criteria.
- 2.10 In combination with national and local policies guiding development outside of the planning boundaries, the Council believes that the proposed planning boundaries will provide sufficient opportunities for housing developments to meet the Local Plan Part 2 requirements in full over the plan period and deliver the choice of homes sought by paragraph 47 of the NPPF. We are therefore confident that the proposed planning boundaries are justified and will be effective in delivering the overall spatial strategy of the Local Plan.

- 2.11 A further issue raised in representations is that the wording of Policy DM1 is too restrictive and there is a need for greater flexibility in terms of the types of development permitted outside of the settlement planning boundaries. It is suggested that the policy will prevent otherwise sustainable development in locations adjoining or close to settlement boundaries from coming forward and therefore does not offer the flexibility to meet changing circumstances.
- 2.12 In response, the NPPF at paragraph 14 defines sustainable development, in the context of the presumption, as development that accords with an up-to-date development plan. The Council believes that it is consistent with the positive approach sought by paragraphs 14 and 182 of the NPPF for the Local Plan to define settlement planning boundaries in such a way as to accommodate allocated sites and windfall sites to meet the area's housing delivery requirements, but to exclude sites which are otherwise part of the open land or countryside around the edges of settlements and not needed to meet those requirements.
- 2.13 Such an approach is consistent with sustainable development in that it ensures that housing requirements are met without causing unnecessary harm to the rural landscape, which makes an important and valued contribution to the distinctive character of Lewes district. It is also consistent with paragraph 17 of the NPPF which states that the planning system should meet the development needs of an area whilst taking account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.
- 2.14 Policy DM1 essentially carries forward 'saved' Policy CT1 of the Lewes District Local Plan 2003 (CD036, page 18). In *Baroness Cumberlege and Patrick Cumberlege v. Secretary of State for Communities and Local Government*, John Howell QC rejected the submission that the protection of the countryside under 'saved' Policy CT1 is inconsistent with national planning policy in the NPPF (CD73, paras.112 -117). This opinion was upheld by Lindblom LJ (CD74, para. 38) in *DLA Delivery Ltd v Baroness Cumberlege and Patrick Cumberlege and Secretary of State for Communities and Local Government* (June 2018).
- 2.15 The Council is therefore confident that the use of settlement planning boundaries to define where development would be acceptable in principle is justified as part of the overall spatial strategy of the Local Plan. We also believe that Policy DM1 is justified, consistent with national policy, and will be effective in delivering the spatial strategy and its development requirements over the plan period.
- 2.16 Proposed Modifications
- None

Inspector's Question

8.3 Should the policy be extended to some of the larger settlements, such as Newhaven, Seaford and Peacehaven?

3. LDC Response

3.1 As explained in the supporting text to Policy DM1 (CD001, para.4.5), planning boundaries have been defined around both towns and villages in the plan area, in accordance with the spatial strategy of the Local Plan. The planning boundaries around Seaford, Newhaven and Peacehaven are illustrated on the Submission Policies Map (CD002, Inset Maps 01, 02 and 03).

3.2 Proposed Modifications

None