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# **Report on Longhorsley Neighbourhood Plan 2017 - 2031**

**An Examination undertaken for Northumberland County Council with the support of the Longhorsley Parish Council on the November 2017 submission version of the Plan.**

Independent Examiner: Patrick T Whitehead DipTP(Nott), MRTPI

Date of Report: 02 May 2018

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## **Main Findings - Executive Summary**

From my examination of the Longhorsley Neighbourhood Plan (the Plan/LNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Longhorsley Parish Council (LPC);
- The Plan has been prepared for an area properly designated – the Longhorsley Neighbourhood area shown on Figure 1, page 4 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2017 – 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Longhorsley Neighbourhood Plan 2017-2031*

- 1.1 Longhorsley is a rural Parish in Northumberland comprising the village of Longhorsley itself and a number of outlying farmsteads and isolated dwellings. It is located between the market towns of Morpeth and Alnwick, some 11 km (7 miles) north of the former and 23 km (14 miles) south of the latter. The 2011 Census indicated a population of 887 and 381 households. Topographically, Longhorsley Moor is high and bleak and there is a long history of occupation in the area with evidence of an ancient past found locally in artefacts dating from the Stone Age. The majority of the population are between the ages of 25 and 64, with a large proportion working outside the immediate community and only 5% in the agricultural sector. The centre of the village has been designated as a Conservation Area. The village has 3 churches, a village hall, St Helens C of E First School, a public house, shop, garage and various trades and services.

- 1.2 The village changed little from the early 19th century until the 1950s. However, more recently, residential developments such as Drummonds Close, Church View and Whitegates have expanded the built-up area. Since April 2011, there have been 106 dwellings completed or approved in the Parish and concerns about the impact of further potential housing developments in the village were raised by parishioners in 2013. The Parish Council agreed that these and other matters could benefit from locally defined policies and considered the possibility of developing a Neighbourhood Plan. The process was formally launched with the setting up of a steering group in June 2014, with issues for action identified through engagement with the local community using consultation events.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the LNP by Northumberland County Council (NCC / the County Council), with the agreement of the Longhorsley Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development 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.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must 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').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

#### *The Basic Conditions*

1.8 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.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) 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.

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Northumberland County Council, not including documents relating to excluded minerals and waste development, is the saved policies from the Castle Morpeth District Local Plan (CMDLP) adopted in 2003 and saved Policy S5 of the Northumberland County and National Park Joint Structure Plan, 2005 (JSP), which proposes an extension of the Tyne & Wear Strategic Green Belt around Morpeth, affecting the majority of the Parish.
- 2.2 NCC is currently preparing a new Northumberland wide local plan, which will establish the strategic planning policies covering the County until 2031. NCC has consulted on the emerging plan on a number of occasions, most recently consulting on the Pre-submission draft plan and modifications to it. The Northumberland Local Plan: Core Strategy, was submitted for examination but was then withdrawn in July 2017. The revised timetable for the emerging local plan is set out in the November 2017 Local Development Scheme. This and a letter to the Secretary of State (SoS) dated 30 January 2018, indicate that submission of the Northumberland Local Plan for independent examination “..will take place during the summer of 2019”. This local plan will define the boundaries, including inset settlement boundaries, for the Green Belt.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. PPG makes clear that whilst a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested. It cites, as an example, that up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development<sup>1</sup>. Paragraph 184 of the NPPF also provides, “*The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider area*”. On this basis, I make reference to specific documents in the evidence base that accompanied the emerging (now withdrawn) Local Plan in this report.

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<sup>1</sup> PPG Reference ID: 41-009-20160211.

### *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:

- the draft Longhorsley Neighbourhood Plan 2017 -2031, November 2017;
- Map, Figure 1, of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
- the Consultation Statement, November 2017;
- the Basic Conditions Statement, November 2017;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment Screening Opinion prepared by Northumberland County Council; and
- NCC's response to my questions set out in my letter of 14 March 2018<sup>2</sup>.

### *Site Visit*

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 12 March 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

2.6 This examination has been dealt with by written representations. There were no requests for a hearing amongst the Regulation 16 representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

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

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<sup>2</sup> View at:

<http://www.northumberland.gov.uk/Planning/Planningpolicy/Neighbourhood.aspx>

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Longhorsley Neighbourhood Plan has been prepared and submitted for examination by Longhorsley Parish Council, which is a qualifying body for an area that was designated by Northumberland County Council on 30 September 2014.
- 3.2 It is the only neighbourhood plan for Longhorsley Neighbourhood area, and does not relate to land outside the designated neighbourhood area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2031.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement<sup>3</sup>, shows that there were five stages of consultation culminating in the pre-submission draft being issued for the Regulation 14 consultation over six weeks from 16 June 2017 to 31 July<sup>4</sup>. Prior to this event, the four consultations detailed in the Consultation Statement included drop-in sessions to capture views on key planning issues; a questionnaire issued to youth groups; a flyer distributed around the Parish summarising key issues and seeking verification of the findings; and a briefing note distributed setting out the proposed scope of the Plan.
- 3.5 The pre-submission consultation resulted in 61 feedback forms being submitted, 55 being fully supportive of the Plan, and a further 4 were supportive but included a comment. There was one objection to the Plan and one spoilt form. Additionally, the Consultation Statement lists 7 responses from statutory bodies, including a number of suggested changes from NCC. The issues raised and responses are listed in a spreadsheet, referenced as Appendix 10 to the Statement.
- 3.6 A Regulation 16 consultation was carried out for an eight week period from 22 December 2017 to 16 February 2018, resulting in 16 responses. The responses are generally supportive of the Plan, with two suggesting some relatively minor changes (Historic England and Macdonald Hotels) and NCC providing a schedule of comments.
- 3.7 With all these points in mind, I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan in

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<sup>3</sup> Longhorsley Neighbourhood Plan, Consultation Statement, November 2017.

<sup>4</sup> Notice of Publicity of a Neighbourhood Plan Proposal, Longhorsley Parish Council, 15 July 2017.



accordance with the legal requirements. I also consider that due regard has been demonstrated to the advice in the PPG on plan preparation and engagement

#### *Development and Use of Land*

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.10 The Basic Conditions Report, Part 7.1 advises that the Longhorsley Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The LNP was screened for Strategic Environmental Assessment (SEA) by NCC, which found that it was unnecessary to undertake SEA.
- 4.2 The LNP was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The neighbourhood plan area is not in close proximity to a European designated nature site. Natural England agreed with this conclusion, indicating that the LNP is not likely to have a significant effect on any European Sites alone or in combination with other plans and projects. From my independent assessment of this matter, I have no reason to disagree.

#### *Main Issues*

- 4.3 Having regard for the LNP, the consultation responses and other evidence, and the site visit, I consider that there are 2 main issues relating to the Basic Conditions for this examination. These are:

*Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the local planning framework, including saved local policies; and*

Issue 2: - *The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous having regard to advice in the PPG that the neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence<sup>5</sup>.

Issue 1: - *General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the local planning framework, including saved local policies.*

- 4.5 The LNP, paragraph 1.2.3, provides an overall objective “..to establish a sustainable plan for the future of Longhorsley, including policies and proposals to manage land use and development in the period from 2017 to 2031 and to deliver the community vision for the parish”, which closely follows the advice in the NPPF, paragraph 183. The Vision is stated at paragraph 2.1.1 as “..to sustain our thriving and active community, whilst protecting the beauty and heritage of our built and natural landscape”. The Vision is supported by 5 Objectives which provide a basis for the Plan’s policies.
- 4.6 Section 3 of the LNP sets out the Development Strategy to provide for sustainable growth, support for local business development and for the conservation and protection of the parish. Following the lead provided by the CMDLP, policies C1 and LHC1, the LNP seeks to limit new residential development to obtain a period of less rapid growth. There are three elements of the Development Strategy to consider; Housing land allocations; the definition of a Settlement Boundary and the Green Belt.

#### *Housing land allocations*

- 4.7 Turning to the matter of housing land, the LNP includes 2 allocated sites for housing development within the settlement boundary: the Shoulder of Mutton site for approximately 55 dwellings and the Normandy Terrace site for approximately 12 dwellings. Both sites currently have the benefit of planning permission. The Plan advises that these were the only sites highlighted as suitable for development in the latest Northumberland Strategic Housing Land Availability Assessment, May 2016 (SHLAA). Any additional residential development within the Plan period will be limited to the development of ‘windfall’ sites. Based on recent past performance this is calculated to produce around 18 dwellings during the Plan period,

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<sup>5</sup> PPG Reference ID: 41-041-20140306.

giving a total expectation of 76 dwellings – rounded to 80 in the LNP Policy LNP5.

- 4.8 Following the withdrawal of the Local Plan, NCC has provided a Position Statement<sup>6</sup> which sets out the situation regarding an up-to-date five year housing land supply. Indicating the need to establish a baseline housing requirement the Position Statement, paragraph 2.13, advises that the Strategic Housing Market Assessment (SHMA) October 2015 is no longer considered to contain an up-to-date Objective Assessment of Need (OAN) for the five year period 2017-2022. Accordingly, NCC has calculated an OAN in accordance with the methodology set out in PPG<sup>7</sup>. It concludes that housing land is available equivalent of 6.5 years supply. More detail is provided in a further report<sup>8</sup>, which concludes that the Central Housing Market Area (CHMA), within which Longhorsley is located, has the equivalent of an 8.2 year supply of developable sites. The two allocated sites are included in the calculations for deliverable sites at Appendix c: large sites with planning permission. The Report also indicates, paragraph 2.25, that the five year position derived from the SHLAA is adjusted to include any anticipated windfall delivery. From the evidence, it can be concluded that the LNP provides an adequate supply of allocated housing land to contribute to an overall five year land supply both for the County as a whole and for the CHMA.

*The definition of a Settlement Boundary.*

- 4.9 The CMDLP, Policy C1, identified settlement boundaries beyond which development in the open countryside would not be permitted. For Longhorsley the boundary shown on Inset Map No.16 closely defines the built-up area of the village but includes the Normandy Terrace site, then allocated as an employment site for craft workshops under Policy LHE1. Since then, permission has been granted for residential development on the Normandy Terrace site and a further permission granted at Wilding Place, adjacent to the CMDLP settlement boundary, north of the village. The Wilding Place development has now been completed. The Settlement Boundary defined by the LNP closely follows the CMDLP boundary, but has been extended to take account of the Wilding Place and Shoulder of Mutton sites. The proposed Settlement Boundary was the subject of discussions with NCC and has been given strong support from the local community.
- 4.10 I gave careful consideration to the Settlement Boundary during my visit and have concluded that it provides a strong and defensible limit to development for the Plan period. It will ensure sustainable development

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<sup>6</sup> Position Statement Following Withdrawal of the Draft Core Strategy, November 2017.

<sup>7</sup> PPG Reference ID: 2a-015-20140306.

<sup>8</sup> Northumberland Five Year Supply of Deliverable Sites 2016 to 2021.

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and contribute to the conservation of the rural countryside within the Parish area.

*The Green Belt.*

- 4.11 There is currently no defined Green Belt within the Parish area, a fact acknowledged by the LNP, paragraph 3.1.6. However, Saved Policy S5 of the JSP proposes an extension to the then defined Tyneside Green Belt to include various areas, including *“north of Longhorsley and west of Widdrington Station, excluding Stobswood Opencast site”*. The Policy advises that *“Precise boundaries, including those around settlements, should be defined in Local Plans...”*. A map<sup>9</sup> showing the general extent of the proposed Green Belt by means of a dashed line shows an extension to the north and west of Morpeth including part of the Parish of Longhorsley. Although not precise, the map’s dashed line clearly includes a large part of the Parish extending westwards to include the nearby village of Netherwitton and the whole of Longhorsley village, but stopping short of Weldon Bridge to the north. The NPPF, paragraph 85, makes it clear that boundaries to the Green Belt should be defined clearly, using physical features that are readily recognised and likely to be permanent. It follows that Green Belt policies should only be applied within those clearly defined boundaries. The LNP includes Policy LNP3 relating to development within the Green Belt, based on the LPC conclusion, paragraph 3.1.6, that *“until the emerging local plan for Northumberland is finally adopted the Green Belt boundary is not defined and Green Belt policy can only be operated in the open countryside south of Longhorsley village”*.
- 4.12 However, the NCC Position Statement, paragraph 2.22, advises that the lack of a defined boundary is insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. In support, it states that the consideration of Green Belt has been informed by the consistent approach taken by Planning Inspectors in relation to recent appeal decisions. The first, and most significant of these<sup>10</sup>, was an appeal concerning land off Avon Drive, Huntington, York, proposed for the development of 109 dwellings, recovered for the SoS determination and dismissed by him. In brief, the SoS noted that the York Green Belt has never been identified in an adopted plan. Nevertheless, he agreed with the Inspector that there was a firm basis - using the Regional Spatial Strategy diagram - for finding that the appeal site lay within the general extent of the Green Belt. He also determined, in line with a previous decision (Ref: APP/C2741/V/05/1189897), that there is no reason not to apply Green Belt policy unless or until an adopted Local Plan defines the long-term Green Belt boundary.

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<sup>9</sup> [http://northumberland.limehouse.co.uk/events/15848/popimage\\_d128241e3424.html](http://northumberland.limehouse.co.uk/events/15848/popimage_d128241e3424.html)

<sup>10</sup> Appeal decision, 21 April 2017, ref: APP/C2741/W/16/3149489.

- 4.13 A second appeal decision, this time within Longhorsley Parish area<sup>11</sup>, relating to two applications for the development of executive dwellings at Linden Hall Hotel, was dismissed by an Inspector who concluded that *"..the proposals would be within the general extent of the Green Belt and would be inappropriate development under the policies of the Framework"*. At the time the appeal was considered it was the County Council's opinion, stated at paragraph 9 of the decision letter that *"..it was unclear from the Policy S5 extract plan whether the application sites were located within the proposed Green Belt extension"* and that *"..given the plan is ambiguous...Green Belt policies cannot be applied in these cases"*. However, in arriving at the conclusion that the application sites are in the Green Belt, the Inspector drew on the previous appeal decisions and assessed the contribution they made to the Green Belt purposes defined in paragraph 80 of the NPPF. He determined that they contributed to the third and fifth Green Belt purposes.
- 4.14 Based on the evidence, including the assessment provided through the appeals referred to, and my site visit during which I looked carefully at the character and appearance of the countryside both to the north, west and south of Longhorsley, I consider that the Parish Council's assessment is correct. Accordingly, and subject to my detailed consideration of Policy LNP3, below, I have concluded that the LNP's general approach to Green Belt policy is in line with national policy and guidance.

*Summary and conclusions on Issue 1.*

- 4.15 My overall conclusion regarding the Development Strategy is that, through the elements that I have considered in detail and subject to my detailed consideration of the individual policies, it provides an appropriate strategy for the LNP. It makes provision for a more than adequate supply of housing land to meet the identified need, uses a defined settlement boundary to control development within the countryside, and provides a means for ensuring appropriate weight is given to Green Belt policy in the area south of the village. In all of these matters the LNP follows national advice in the relevant parts of the NPPF and, subject to the detailed comments I make about individual policies and proposals, I am satisfied that the Plan has had regard to national policies and advice.
- 4.16 The LNP seeks to control development within the Settlement Boundary in line with an approach which seeks a period of less rapid growth, but nevertheless ensures that development will be focused on a sustainable location close to the village centre, its shop, public house, school and other facilities and services. It also seeks to retain and support local businesses and working from home, both within the Settlement Boundary and in the open countryside outside the Green Belt. Subject to my

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<sup>11</sup> Appeal decision, 25 August 2017, ref: APP/P2935/W/17/3174487 & 3174489.  
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conclusions regarding individual policies I am satisfied that the Plan makes a contribution to the achievement of the economic, social and environmental aspects of sustainable development.

- 4.17 The local planning framework is complex as a result of withdrawal of the Northumberland Local Plan: Core Strategy, although I acknowledge the NCC's determination to submit a Local Plan for examination by 2019. Nevertheless, it is clear that the LPC has given due consideration to those elements of saved policies which, together with the Government line regarding the Green Belt which has emerged through appeal decisions, have provided the basis for the Development Strategy chosen. In all of these matters, and subject to my conclusions on individual policies, I have concluded that the LNP meets the Basic Conditions.

*Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*

- 4.18 The Plan sets out the 23 policies in seven 'topic areas' and I shall consider the policies within the structure provided by those topics.

#### Section 5: Development policies

*Policy LNP1 – Development within the settlement boundary.*

- 4.19 The Policy establishes the Settlement Boundary for Longhorsley village and provides criteria which must be met for development proposals to be acceptable. In general terms, it follows the lead provided by saved policies C1 and LHC1 in the CMDLP which provide for boundaries to identify the limits to settlements in general, and for Longhorsley village in particular. As already noted (paragraphs 4.9-4.10) the LNP amends the CMDLP boundary to take account of recent developments and commitments. It also has regard to national policy in paragraph 55 of the NPPF, which quite clearly indicates that in rural areas housing should be located where it will enhance or maintain the vitality of rural settlements and that new isolated homes in the countryside should be avoided.
- 4.20 However, the Policy is restrictive, both in extent and in the constraints imposed on development and amendments will be necessary in order to meet the Basic Conditions. Both of these concerns have been articulated by NCC in its Regulation 16 comments. The first of these concerns is that criterion (a) of the Policy is over-restrictive, and that the term "*which fill a site*" is confusing and it is unclear how it would be assessed. It would be difficult in practice to ensure the consistency of application required by PPG<sup>12</sup>. A less ambiguous statement of policy would be to use a definition

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<sup>12</sup> PPG Reference ID: 41-041-20140306.

based on that used by NCC for small sites in calculating its five year land supply: less than 5 dwellings. To allow for flexibility in terms of density an alternative site area, such as 0.20 hectares can be included. Additionally, to avoid an over-restrictive policy it is necessary to provide for circumstances where evidence suggests a larger scheme might be appropriate. For clarity, the definition of 'development' in the second sentence should be preceded by 'New'. Appropriate wording is provided by proposed modification **PM1**.

- 4.21 The final paragraph of the Policy includes criteria by which the acceptability of development proposals will be assessed. The first phrase "*..a scale consistent with the strategic policies of the Local Plan*" is vague and unnecessary because of the tight definition of the Settlement Boundary in relation to the present built-up extent of the village. The remaining requirements are design related and would be more appropriately located in the 'design topic', and specifically within Policy LNP4 which provides similar requirements for new development proposals. Proposed modification **PM1** provides the appropriate amendment and ensures that Policy LNP1 meets the Basic Conditions.

*Policy LNP2 – Development in the open countryside.*

- 4.22 Whilst Policy LNP1 is concerned with development within the Settlement Boundary, LNP2 deals with development in the open countryside outside the Boundary. However, no mention is made of the Settlement Boundary, and the supporting text refers to "*outside of the village*". Although the Boundary does follow the built form of the village closely, except where development allocations are included, for reasons of precision the Policy, and the supporting text, should make explicit reference to the Boundary. The Policy should also be clear that it refers to the open countryside outside of the general extent of the Green Belt extension, rather than just making reference to the Green Belt *per se*. An amended first sentence is provided by proposed modification **PM2**.
- 4.23 The NCC has suggested, in its Regulation 16 comments, that the reference to "new" business is removed from criterion (a). As drafted, the criterion would appear too restrictive in its application solely to new businesses, so the word should be removed as shown in the proposed modification.
- 4.24 As in the case of Policy LNP1, the final sentence of this Policy refers to general design related requirements. These would be better located within Policy LNP4. Proposed modification **PM2** provides the appropriate amendments to ensure Policy LNP2 meets the Basic Conditions.

*Policy LNP3 – Development in the Green Belt.*

- 4.25 Paragraphs 4.11 - 4.14 above, set out my conclusions regarding the current policy for the Green Belt in south and east Northumberland. In summary, there is no defined boundary for the Green Belt beyond the designated North Tyneside Green Belt (1963); rather there is a proposal in saved Policy S5 of the JSP to extend the Green Belt northwards to “north of Longhorsley and west of Widdrington Station..” with precise boundaries to be defined in Local Plans. However, currently, the Government sees “..no reason not to apply Green Belt policy unless or until an adopted LP defines the long-term Green Belt boundary” (Appeal decision, 21 April 2017, ref: APP/C2741/W/16/3149489).
- 4.26 In the above circumstances, it is necessary to clarify the purpose of Policy LNP3 as being concerned with development within the general extent of the Green Belt extension, as proposed by JSP saved Policy S5.
- 4.27 The second sentence of the supporting text at paragraph 5.6.1 refers to what is ‘appropriate’ in the Green Belt. However, the NPPF, paragraphs 89-90, provide only a definition of what is ‘inappropriate’ within the Green Belt and, by inference, what is ‘not inappropriate’. The reference is therefore incorrect and should be deleted. It is also incorrect to suggest that the parish’s Green Belt countryside will be further protected by supporting policies C16 and C17 from the CMDLP. Those policies relate specifically to the existing definition of the North Tyneside Green Belt, and development within it, and cannot be applied to the proposed extension of the Green Belt by JSP saved Policy S5.
- 4.28 My proposed modification **PM3** provides the appropriate amendments, both to the Policy and to the supporting text. These will ensure the Policy is in general conformity with the local strategic policy framework, and in line with the current Government policy and guidance on Green Belts in order to meet the Basic Conditions.

Section 6: Design Policy.

*Policy LNP4 – Design.*

- 4.29 The Government attaches great importance to the design of the built environment and advises that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected<sup>13</sup>. Policy LNP4 sets out to comply with this advice whilst also taking account of, and providing support for the design policies in the CMDLP.

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<sup>13</sup> NPPF, paragraph 58.

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- 4.30 The Policy provides three criteria with which proposals for developments, including conversions, alterations and additions should comply. It also provides requirements to be met by windfall housing developments. It is not clear from the Policy whether it is intended to be applied to all development proposals or simply residential proposals. However, the supporting text gives an indication that it is intended that the Policy should relate to residential development proposals and makes reference only to housing and conservation area policies in the CMDLP as relevant (although the text does indicate that there is not an adopted Conservation Area appraisal for the defined Conservation Area in Longhorsley). The title of the Policy should give prospective developers a clear indication of its intentions as shown in the proposed modification **PM4**.
- 4.31 Criterion (a) refers to the protection of “*..existing and future residential amenity of land and buildings*”. It is not clear from this which land and buildings are to be protected, nor how land can have a separate residential amenity. It is also unclear how existing residential amenity differs from future amenity. A simpler statement of the requirement, as shown in the proposed modification, would be more comprehensible and effective.
- 4.32 As I have already indicated, policies LNP1 and LNP2 contain similar general requirements for development within, and outside the Settlement Boundary. These amount to further design matters to be addressed by development proposals and I have proposed that they be deleted from those policies and relocated in Policy LNP4 to ensure there is clarity. Proposed modification **PM4** provides appropriate amendments to the Policy to ensure that it meets the Basic Conditions.

## Section 7: Sustainable Housing Policies.

### *Policy LNP5 – Housing within the settlement boundary.*

- 4.33 The two allocated sites are identified by Policy LNP5 and there is also support for individual new dwellings and windfall sites within the Settlement Boundary. Although the CMDLP does not make specific housing allocations for Longhorsley, Policy LNP5 does meet the Local Plan’s objective to allow for “*modest housing infill*” within the smaller settlements and, as indicated above, it provides an adequate supply of allocated housing land to contribute to an overall five year land supply both for the County as a whole and for the CHMA. The Policy also follows national advice that the housing land supply in the LNP contributes to the achievement of sustainable development<sup>14</sup> and so meets the Basic Conditions.

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<sup>14</sup> PPG Reference ID: 41-009-20160211.

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- 4.34 The NCC has commented that the final sentence of the Policy implies that the figure of around 80 dwellings is a ceiling and has suggested removing the words “a total of”. This again goes to the issue of clarity, and is a sensible suggestion which I support. The appropriate action is included as proposed modification **PM5**.

*Policy LNP6 – Sustainable dwellings in the countryside outside the Green Belt.*

- 4.35 The Policy provides criteria for replacement and conversion of existing dwellings in the countryside, outside the Green Belt. Generally, the Policy is in line with Government advice and guidance, and is in general conformity with local planning policy in the CMDLP. However, I have proposed a number of changes in proposed modification **PM6**. As with other policies, it is necessary to be clear that the Green Belt referred to in the title is the “Green Belt extension”. Secondly, the third criterion to Part A does not provide a clear indication of how a “material change” might be assessed, leading to a potential inconsistency in its application. Thirdly, following advice in the NPPF<sup>15</sup>, the conversion of an existing building to residential use requires special circumstances so that the general statement of policy should indicate that the conversion will only be supported if the criteria are met. Again, following the NPPF advice, buildings for conversion should be redundant or disused, so a new first criterion should be included in the Policy. The NPPF also requires a more rigorous test than that included in criterion (i) of Part 2 – that the conversion should lead to enhancement of the immediate setting, rather than just being not detrimental. Finally, since CMDLP includes relevant policies, including H19 and H20 relating to the conversion and adaptation of buildings, and H23 concerning demolition and rebuilding in the countryside, the last criterion in both Parts A and B should include a requirement that proposals meet relevant local plan policies. All of these matters are addressed in my proposed modification in order to ensure the Policy meets the Basic Conditions.

*Policy LNP7 – Extensions.*

- 4.36 Policies for extensions to existing dwellings are provided in the CMDLP by H22 for the alteration and extension of dwellings in the open countryside, and by H14, a more general policy which considers, for example, the impact of proposals on the street scene and neighbouring properties. Each of those policies provides criteria to be met by proposals. Policy LNP7 provides some clarification of those matters which are of concern locally, within Longhorsley Parish area. The Policy responds to the requirement in the NPPF, paragraph 58, that neighbourhood plans should

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<sup>15</sup> NPPF, paragraph 55.

develop robust and comprehensive policies setting out the quality of development that will be expected. Criterion (a) provides a test that proposals should not be detrimental to the character or setting of the building or adjoining buildings. This does not provide sufficient clarity to ensure consistent application of the Policy and should be amended as suggested in my proposed modification **PM7** in order to meet the Basic Conditions.

*Policy LNP8 – Use of affordable housing for local needs.*

- 4.37 The Policy has two parts: firstly, it indicates that occupation of affordable housing will be controlled by planning obligation secured under section 106 (S106) of the 1990 Act; secondly, it sets out a preference to be given to those with a local housing need in the Parish or meet local connections criteria set out in Annex B of the Plan. The basis for the Policy appears to be the results of consultation with residents, which suggested a perceived gap in affordable housing for those starting on the housing ladder and those wishing to downsize. However, paragraph 7.7.2 advises that “*research to date has neither confirmed nor dismissed this view*”, whilst a response to questions from the NCC<sup>16</sup> indicates that “*we are not aware of any substantive evidence to justify the introduction of specific controls which create a preference for lettings and sales of any new affordable housing to people in need in Longhorsley Parish or those with a local connection*”. Without substantive evidence, there is no basis on which to require control of the use of affordable housing through a particular S106 agreement beyond that normally exercised by the Local Planning Authority through the grant of planning permission.
- 4.38 Turning to the second matter, the Policy requires that the mechanism provided by the S106 agreement shall have a permanent effect in controlling first occupation and future sales or letting arrangements in accordance with a hierarchy of local connections criteria set down in Annex B. However, the allocation of social housing is a function of a housing authority under Part 6 of the Housing Act 1996 (as amended) (‘the 1996 Act’) and in framing an allocation scheme to determine priorities the housing authority must ensure that reasonable preference is given to certain categories of people (S166A(3) of the 1996 Act) and have regard to certain considerations. NCC, as housing authority, operates a Common Allocation Policy (CAP) issued 8 September 2014, which makes reference to the legislative framework set out in the 1996 Act, and also refers to the requirement for reasonable preference to be given to groups in need. Policy LNP8 seeks to give preference to local people or those with local connections but without consideration being given to those

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<sup>16</sup> NCC. Response to examiner’s questions dated 27 March 2018. View at: <http://www.northumberland.gov.uk/Planning/Planningpolicy/Neighbourhood.aspx>

S166A(3) categories. In response to the questions raised in my letter, NCC has indicated that “..without substantive evidence to justify the need for more local controls, the County Council would raise concerns about the intention to introduce controls on letting beyond those defined in the Common Allocations Policy”.

- 4.39 The CAP, paragraph 7, provides rural allocations criteria requiring a close connection to a rural parish in order to support rural communities along similar lines to the criteria set down in Annex B and, in paragraph 8, indicates that eligibility requirements as defined in a S106 agreement “..will be adhered to”.
- 4.40 From the above, my conclusion is that the Policy is not in general conformity with the strategic planning policy framework and is potentially in conflict with the NCC duty under the Housing Act 1996 (as amended). Accordingly, the Policy should be deleted together with the supporting text at paragraphs 7.7.1 and 7.7.2. Annex B, providing the definition of local connection and local need should also be deleted, in order that the Basic Conditions are met. As a consequence, the Community Action proposals H-CAP 1 and H-CAP 2, should also be deleted. The appropriate actions are shown in proposed modification **PM8**.

#### Section 8: Supporting Business Policies

*Policy LNP9 – Support for business in the open countryside, outside the Green Belt.*

- 4.41 This Policy seeks to provide support for businesses in the open countryside in line with the emphasis in the NPPF, paragraph 28, on supporting economic growth in rural areas. My concern with this Policy is that the supporting text makes reference to improving how existing businesses operate and finding new ways of doing business, including diversification. However, the Policy makes a simple statement that proposals for new business space and tourism facilities will be supported but gives no indication of how the Policy would be applied with consistency and confidence in determining planning applications as required by PPG<sup>17</sup>. It does not reflect or respond to the unique characteristics of the neighbourhood area and is not supported by appropriate evidence. The only type of development proposal considered in detail by the Policy is small-scale camping, chalet and caravan developments, but the only definition of small-scale is contained in the supporting text as “typically less than 6 pitches”.
- 4.42 The CMDLP includes a number of policies dealing in some detail with rural employment, including new employment uses and the conversion of

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<sup>17</sup> PPG Reference ID:41-041-20140306.

existing rural buildings for employment use (policies E5 and E6), tourist accommodation (policies E9-E11), and caravan and camping sites (policy E12). Each of these policies includes detailed criteria to be met by development proposals including, in the case of camping and caravan sites criteria relating to location, impact on the countryside, on the local community and on the road network and consideration of increasing the number of units on existing sites. There is no need to repeat policies within the Local Plan and Policy LNP9 adds nothing of significant value to the local plan policy framework I have described. Critically, as the policy lacks substantive evidence to support its inclusion in the Neighbourhood Plan, it should be deleted as shown in proposed modification **PM9**.

*Policy LNP10 – Retaining local business services and community facilities.*

- 4.43 Policy LNP10 provides a presumption against the loss of local services and community facilities. It is in line with the advice in the NPPF, paragraphs 28 and 70, and is in general conformity with the CMDLP and, in particular, Policy S12. NCC has questioned whether the Policy is intended to refer to Longhorsley as a settlement or the Parish as a whole. Reference to the supporting text appears to clarify this as referring to the services and facilities located within the village, but that the facilities are important to the support of the whole sustainable community. Amendment to the text of the Policy is unnecessary. NCC has also suggested two amendments to the text of the second section of the Policy to clarify the intention of the Policy. The suggested amendments would help the precise application of the Policy to planning decision making and so should be made as shown in proposed modification **PM10**. As a result of the modification the Policy meets the Basic Conditions.

*Policy LNP11 – Working from home.*

- 4.44 There are two issues to be considered with this Policy. The first is that the use of part of a dwelling to home work or run a business does not normally require express planning permission – for example PPG states that *“Planning permission will not normally be required to home work or run a business from home, provided that a dwelling house remains a private residence first and business second...”*<sup>18</sup>. The PPG also indicates that the permitted development right is subject to the business not resulting in a material change of use. Whilst the term ‘material change of use’ does not have a legal definition, the advice is that *“..it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case”*<sup>19</sup>. The advice and guidance refer only to working from home or to

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<sup>18</sup> PPG ref ID:13-014-20140306.

<sup>19</sup> PPG ref ID:13-011-20140306.

business use: there is no indication that, for example, light industrial uses would be acceptable under the definition and these would, in any event, be subject to consideration of the impact on neighbours.

- 4.45 The second issue is regarding the provision of free-standing buildings or extensions since these are also subject to permitted development rights, subject to their size and location within the plot, and to their use being limited to purposes incidental to the enjoyment of the dwelling house as such, defined as the “*personal enjoyment of the occupants of the house*”.
- 4.46 As it stands, the Policy is misleading and unnecessary because for most home working situations, there will be no need for planning permission if the house is still mainly a home, and extensions or free standing buildings are not required. Where these are required specifically for business use rather than incidental to the enjoyment of the dwelling, then planning permission is likely to be required. If permission were to be granted, then a separate commercial or light industrial use would be created on a permanent basis within a residential planning unit. There is no basis either in Government guidance or within the local strategic planning framework for the Policy and so the Basic Conditions are not met. The Policy and its supporting text should be deleted as provided in proposed modification **PM11**.

## Section 9: Supporting Community Facilities Policies

### *Policy LNP12 – Local Green Spaces.*

- 4.47 The Policy lists 8 sites to be designated as Local Green Spaces (LGS), following the advice and guidance in the NPPF<sup>20</sup>. The supporting text provides a general justification for inclusion of the open spaces using the guidance provided in paragraph 77 of the NPPF, and reference is made to a detailed analysis for each site contained in Annex D. The Annex gives details of the site area, location, ownership, and value to the community.
- 4.48 Whilst the supporting text indicates that the Policy is in line with policy C21 and policy LHC3 in the CMDLP (the latter of which provides protection for specific sites in Longhorsley, also the reference in the Basic Conditions Report, paragraph 5.3.6, which indicates a positive relationship between LNP12 and CMDLP Policy LHC3), it is clear from a recent judgement<sup>21</sup> that it is whether or not a proposed LGS site meets the NPPF paragraph 77 criteria that is the determining factor in agreeing such designations. Furthermore, the CMDLP policies relate to protected open space not Local Green Spaces. I therefore recommend that references to the CMDLP policies be removed from paragraph 9.4.1 of the LNP.

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<sup>20</sup> NPPF paragraphs 76-77.

<sup>21</sup> Legard, R (On the Application Of) v The Royal Borough of Kensington and Chelsea, Court of Appeal - Administrative Court, January 12, 2018, [2018] EWHC 32 (Admin). Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

- 4.49 Accordingly, I consider each of the sites against the NPPF paragraph 77 criteria. With regard to site no.4, the school playing field, objection to the site's inclusion has been raised by NCC's Strategic Estates team on the basis that it is used only occasionally for village events with the specific permission of the school. Whilst there is no specific advice from the Government on the designation of school playing fields, the playing field at Longhorsley is an integral part of the operational school site, for which the designation as LGS would not be appropriate. It should be deleted from Policy LNH12.
- 4.50 Site 7 Old Church Wood (renamed from Barbara's Wood) is owned by LPC, who intend to conserve and improve the site. From my site visit I saw that new woodland has been planted. The development of housing at the Shoulder of Mutton site means that the site is in close proximity to the community it serves, which together with the historic connections to the village and its value as a recreational area, especially once the Shoulder of Mutton site is built out, means that it is in my view suitable for designation.
- 4.51 Site 8 is small, contained and has a particular beauty and historical significance. It is the site of the original church deconsecrated when the new church was opened in the centre of the village. The graveyard is still in use for burials as was apparent at the time of my visit. It is a small area of land, at 0.3 ha, and will, as a result of the development of the Shoulder of Mutton site, be in proximity to the community it serves. I am aware that PPG Reference ID: 37-010-20140306 suggests that if an area is already protected by designation then consideration should be given to whether any additional local benefit would be gained by designation as LGS. However, on balance I consider that these two areas are of particular importance to the local community and therefore, I agree that both areas should be designated as LGS.
- 4.52 I note there is reference in the supporting text (paragraph 9.4.6) to compatibility with standards in Natural England's Accessible Natural Green Space Standards (ANGSt). However, the ANGSt model was developed as a research project concerned with ensuring contact with nature, in safety, without having to make any special effort or journey to do so, and published in a research report in 2003. It was not intended as a tool for identifying LGS, as suggested in paragraph 9.4.6. These references should be removed from the LNP.
- 4.53 The remaining sites, Site 1. Archie's Pond; Site 2. Playing field (West Road); Site 3. Adamson Park (play and picnic area); Site 5. The MUGA (sports facility) and Site 6. Children's playground in Church View all

satisfy the criteria set out in NPPF paragraph 77 and should therefore, be designated as LGSs.

- 4.54 From the above it is necessary to delete site 4, School field, in order for the Policy to have proper regard for the guidance in the NPPF, paragraphs 76 and 77, and so meet the Basic Conditions. Appropriate amendments are provided by proposed modification **PM12**.

*Policy LNP13 – Protection of allotments.*

- 4.55 The LPC has chosen to provide protection for the local allotments to the rear of properties on Drummonds Close through Policy LNP13, rather than designating them as LGS. This is different to the practice in other parish council areas, and advice in PPG<sup>22</sup> that allotments may be designated as LGS. However, the decision to designate is a matter for local discretion and, in this case, Policy LNP13 is a straightforward statement of intent that the loss of allotment land will not be permitted unless a suitable alternative is provided. It is in general conformity with the intention, expressed in the CMDLP, paragraph 9.4.1, to protect existing allotments from development pressures or, in the event that development is unavoidable, that the site is replaced with another appropriate site. The Policy is clear, concise and unambiguous, having regard to the advice on neighbourhood plan policies in the PPG<sup>23</sup> and meets the Basic Conditions.

*Policy LNP14 – Support for community facilities.*

- 4.56 The Policy provides support for the creation, construction or extension of community facilities within the settlement boundary. This is in line with the NPPF support for a prosperous rural economy which promotes the retention and development of local services and community facilities in villages. The Basic Conditions Report, paragraph 5.3.6, suggests the Policy is also in line with Policy E6 in the CMDLP. However, Policy E6 is concerned with the conversion or adaptation of a rural building for employment purposes. Policies R1, concerning the development of facilities for formal and informal recreation, and R3 relating to the development of village halls and community facilities, are of more relevance.
- 4.57 The Policy provides three requirements to be met regarding the impact of the scale of development on highway safety, the character of the settlement and living conditions of residents. Whilst this provides a basis for evaluating proposals, I consider it necessary to also include a requirement that proposals meet relevant local plan policies such as, for example, design considerations in Conservation Areas, car parking

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<sup>22</sup> PPG Reference ID: 37-013-20140306.

<sup>23</sup> PPG Reference ID: 41-041-20140306.



requirements and access for the disabled. An appropriate amendment is provided by proposed modification **PM13**. With this amendment, the Policy meets the Basic Conditions.

## Section 10: Conserving Landscape, Biodiversity and Heritage Policies

### *Policy LNP15 – Biodiversity and nature conservation.*

- 4.58 Part 11 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment. It should do this by minimising impacts on biodiversity and providing net gains where possible. Various policies within the CMDLP provide detailed requirements and guidance to generally protect and, where appropriate, enhance features of nature conservation importance.
- 4.59 Policy LNP15 generally follows the Government guidance and is in general conformity with the local strategic planning policies. However, it is necessary to amend the detailed wording of the first sentence, firstly to strengthen the Policy by *requiring* rather than just *expecting* compliance, and secondly tempering the need to improve biodiversity to those instances where it is *possible* to achieve improvement. With the amendments provided by **PM14**, the Policy meets the Basic Conditions.

### *Policy LNP16 – Water management.*

- 4.60 NCC, as Lead Local Flood Authority has expressed support for Policy LNP16 in its Regulation 16 comments, indicating that previous comments by the authority have been taken into account. It is also in line with Government advice in the NPPF, paragraph 94, which requires proactive policies to mitigate and adapt to climate change, and paragraphs 99-103 regarding the management of flood risk. It is also in general conformity with local strategic planning policies, including CMDLP Policy RE5 concerning surface water run-off and flood defences.
- 4.61 The only matter of concern with the Policy is criterion (d) which requires development proposals to follow the hierarchy of preference for the disposal of surface water contained within Revised Part H of the Building Regulations 2010. Administration and control of the requirements provided by the Building Regulations is separate from the control over development operated through the planning system. It is neither necessary nor possible for the planning system to impose the requirements of the Building Regulations on development proposals. In order to meet the Basic Conditions, the criterion should be deleted as shown in proposed modification **PM15**.

*Policy LNP17 – Rural features.*

- 4.62 The Policy seeks to protect the countryside and its characteristic rural features from the impact of development proposals whilst supporting sustainable development. In this respect, the Policy follows advice in the NPPF, paragraph 109. Four criteria are provided which the Policy indicates development proposals should avoid. The first of these criteria, intrusion into strategic gaps, is not supported by any substantive evidence and the gaps are not identified on maps of the Neighbourhood Area, or on the Proposals Map accompanying the LNP. The Basic Conditions Report advises that the Policy is partly reflective of the landscape corridors covered in CMDLP, Policy LHC2. However, Policy LHC2 refers specifically to landscape corridors adjacent to the main approach roads to the village, clearly identified on Inset Map 16. From the information supplied the strategic gaps are not clearly identifiable and the settlements listed are mostly located outside the Neighbourhood Plan Area. Accordingly, the criterion is not sufficiently clear or precise to enable it to be applied in a consistent manner and it should be deleted.
- 4.63 Criteria (ii) and (iii), loss of landscape features contributing to local distinctiveness and the loss of best and most versatile land, have not raised concerns at Regulation 16 stage and provide a reasonable basis for decision making.
- 4.64 Criterion (iv) states that development proposals should avoid harm to important views listed in the supporting text at paragraph 10.6.2. It is suggested at paragraph 10.6.3 that the protection of views is supported by the NPPF, Part 11. However, this is incorrect: there is no mention of important views in part 11 which deals with conserving and enhancing the natural environment. Neither is there a basis in the local planning policy framework for such an approach.
- 4.65 Although paragraph 10.6.2 lists the important views there is no indication of the area of countryside over which the views are considered to be important, nor where the views are from. During my site visit I took the opportunity to look at the surrounding countryside from various locations within the Parish area but was unable to pinpoint the locations from where the views are considered to be important. From the information available to this examination it is not possible to determine how the Northumberland Landscape Character Assessment could be of assistance in determining the viewpoints or the countryside areas involved. It must be concluded, therefore, that the criterion has insufficient clarity to enable it to be consistently applied when determining planning applications. Accordingly, in order to meet the Basic Conditions, criterion (iv) should be

deleted, along with the supporting text at paragraphs 10.6.2 and 10.6.3, as shown in proposed modification **PM16**.

*Policy LNP18 – Protecting trees.*

- 4.66 This Policy seeks to protect from development aged or veteran trees and those of good arboricultural quality and amenity value or, in the case of the latter, seek their replacement with equivalent trees. The Policy contributes to achieving sustainable development, has had regard to Government guidance in the NPPF, paragraph 118, and is in general conformity with the CMDLP, in particular Policy C15. It therefore meets the Basic Conditions.

*Policy LNP19 – Landscaping.*

- 4.67 Policy LNP19 requires new development schemes within the Settlement Boundary to take account of the distinctive character of the village through landscaping and tree planting, whilst elsewhere within the Parish it seeks to ensure development can be integrated with the surrounding landscape character. The requirements are clearly in line with the advice in the NPPF, paragraph 58, that developments should be based on an understanding of, and respond to, the area's defining characteristics. The Policy is also in general conformity with the requirements of CMDLP, Policy H15 regarding criteria for new housing developments and will contribute to the achievement of sustainable development. It meets the Basic Conditions.

*Policy LNP20 – Conservation Area.*

- 4.68 As noted previously, although there is a defined Conservation Area within the core of the village, there is not an adopted Conservation Area Appraisal. The LNP therefore includes Community Action Proposal ENV-CAP 1 which seeks to have an adopted appraisal for the Conservation Area through liaison and partnership with NCC.
- 4.69 Policy LNP20 sets down a list of four criteria to be met by development proposals within the Conservation Area or within its setting. The latter requirement is problematic in that there is no basis for making the same requirements of development proposals outside a conservation area as there is within the area. There is, however, the impact of change as a result of development on the setting of a Conservation Area, an important consideration that may be taken into account by a change to the wording of criterion (b) as suggested in proposed modification **PM17**.
- 4.70 The Policy does take account of the advice in the NPPF, particularly paragraphs 126-127, and is in general conformity with the local strategic

planning framework, which includes the CMDLP, policies C28 – C34. With the proposed modification, it meets the Basic Conditions.

*Policy LNP21 – Small-scale renewable energy.*

- 4.71 The LPC has included Policy LNP21 partly in response to the NPPF, paragraph 97, which encourages community-led initiatives for renewable and low carbon energy including through neighbourhood planning. The Policy also follows the lead provided by the CMDLP, Policy RE2, which encourages the development and use of power using renewable energy technologies. The Policy further supports sustainable development and seeks to mitigate climate change. In all of these matters the Policy meets the Basic Conditions.
- 4.72 The definition used for 'small-scale' is provided in the supporting text as "...up to 50kw for electricity and 300kw for heat". There is no reference to the source for this although I assume it is derived from the definition of microgeneration under the terms of the Green Energy Act 2009. Whilst not a requirement for meeting the Basic Conditions, it would be helpful if the source of the definition were to be included in the supporting text.

Section 11: Safer Movement Within the Parish Policies.

*Policy LNP22 – Walking safely.*

- 4.73 The Policy is intended to ensure new developments provide adequate and safe footpaths both within the development and linking it to the external footpath network. This is in line with advice in the NPPF, paragraph 35, which requires developments to create safe and secure layouts, giving priority to pedestrian and cycle movements, and minimising conflicts with traffic. Locally, CMDLP Policy H15, criterion x, also requires that layouts should prioritise pedestrian and cyclist circulation. In order to be in conformity with the local planning policy and have full regard to national guidance, reference to cycling should be included in the Policy title and text, and in the supporting text. The amendments provided by proposed modification **PM18** will ensure the Policy meets the Basic Conditions.

*Policy LNP23 – Rights of Way.*

- 4.74 The NPPF, paragraph 75, advises that planning policies should protect and enhance public rights of way and access, and Policy R8 in the CMDLP indicates support, protection, maintenance, and where appropriate, extension of the rights of way of way network. Policy LNP23, provides local support for rights of way in line with the national advice and the local planning policy framework and meets the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The Longhorsley Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Longhorsley Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.

### *Overview*

- 5.4 Longhorsley is very small in terms of population but has produced a very professional neighbourhood plan which will provide a good basis for local decision making. It clearly expresses local concerns for the future of the village and faces up to the demands for future change and development. The Parish Council has also demonstrated a good working relationship with the Northumberland County Council, which is continuing into the period beyond the process of preparing the Neighbourhood Plan, and I commend this Plan which reflects local aspirations.

*Patrick T Whitehead DipTP(Nott), MRTPI*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 16	<p>Policy LNP1</p> <p>The second sentence and criterion (a) to be amended as follows:</p> <p><b><i>"<u>New dDevelopment within the settlement boundary, including the redevelopment of previously developed land, will be supported where it is for:</u></i></b></p> <p>a) <b><i>new dwellings, either on allocated sites or <del>which fill a site well-related to the development pattern of the village</del> <u>comprise generally development of no more than 5 houses or a site not exceeding 0.2 hectares, unless evidence can be provided to support a larger scheme.</u></i></b>"</p> <p>The final sentence should be deleted and the design related requirements re-located within Policy LNP4.</p>
PM2	Pages 16-17	<p>Paragraph 5.5.1</p> <p>The first sentence should be amended as follows:</p> <p>"<u>Outside of the village Settlement Boundary, the plan proposes that...</u>"</p> <p>Policy LNP2</p> <p>The first sentence and criterion (a) to be amended as follows:</p> <p><b><i>"<u>In the open countryside outside the Settlement Boundary, and outside the general extent of the Green Belt extension as defined by JSP Policy S5, development will be <del>by the exception</del> but will only be supported where it:</u></i></b></p> <p><b><i>"a) promotes sustainable new</i></b></p>

		<p><b>business...”</b></p> <p>The final sentence of the Policy commencing “In all cases...” should be deleted in its entirety and the design related requirements re-located in Policy LNP4.</p>
PM3	Page 18	<p>Policy LNP3</p> <p>The Policy title should be amended as follows:</p> <p><b><i>“Policy LNP3 – Development in the Green Belt <u>extension</u>”</i></b></p> <p>Paragraph 5.6.1, the second and third sentences should be amended as follows:</p> <p>“For those areas of the countryside which <del>are in</del> <u>fall within the general extent of the Green Belt extension as defined by JSP Policy S5,</u> the conditions for what is <del>appropriate and inappropriate development,</del> laid out in paragraphs 89 and 90 of the NPPF, apply. The parish’s Green Belt countryside will be further protected by Policy LNP3 below <del>and supporting policies C16 and C17 from the CMDLP.”</del></p> <p>The first sentence of the Policy should be amended as follows:</p> <p><b><i>“Inappropriate development will not be supported <u>within the general extent of the Green Belt extension unless very special circumstances can be demonstrated.</u>”</i></b></p>
PM4	Page 20	<p>Policy LNP4</p> <p>Amend the Policy Title to read:</p> <p><b><i>“LNP4 – Design <u>requirements for residential development</u>”</i></b>.</p> <p>Amend the first criterion as follows:</p> <p><b><i>“a) <u>protect existing and future the residential amenity of land and buildings neighbouring properties; and</u>”</i></b>.</p>

		<p>Insert the following text after criterion (c):</p> <p><b><u>"In all cases the development should not have a significant adverse impact on highway safety, the character and appearance of the surrounding area or on the living conditions of nearby residents as a result of siting, design, massing, or through noise and disturbance."</u></b></p>
PM5	Page 22	<p>Policy LNP5</p> <p>Delete the following text from the final paragraph:</p> <p><b><u>"..will contribute to a total of around 80 dwellings.."</u></b></p>
PM6	Page 23	<p>Policy LNP6</p> <p>Amend the Policy Title to:</p> <p><b><u>"LNP6 – Sustainable dwellings in the countryside, outside the Green Belt extension."</u></b></p> <p>Amend criterion (iii) to Part A as follows:</p> <p><b><u>"(iii) the replacement does not materially change significantly increase the visual impact of the dwelling on the countryside; and"</u></b></p> <p><b><u>"(iv) the proposal meets the requirements of other policies in this plan and relevant local plan policies."</u></b></p> <p>Amend the first sentence of Part B, add a new criterion (i), and amend the wording of existing criteria (i) and (iii) as follows:</p> <p><b><u>"The conversion of an existing building in the countryside will only be supported.."</u></b></p> <p><b><u>"(i) if it would re-use a redundant or disused building;"</u></b></p> <p><b><u>" <del>(i)</del> (ii) the conversion is not detrimental will lead to enhancement to the character or immediate setting</u></b></p>



		<p><del>of the building or adjoining buildings; and;</del></p> <p><b><i>"(iii) (iv) the proposal meets the requirements of other policies in this plan <u>and relevant local plan policies.</u>"</i></b></p>
PM7	Page 24	<p>Policy LNP7</p> <p>Amend criterion (a) as follows:</p> <p><b><i>"the extension <u>is does not have a significant adverse effect on detrimental to the character, appearance, or setting of the building or adjoining buildings: and"</u></i></b></p>
PM8	Pages 24, 25, 45, 46 and 47	<p>Policy LNP8</p> <p>The Policy should be deleted in its entirety, together with the supporting text at paragraphs 7.7.1 and 7.7.2.</p> <p>It will be necessary to renumber subsequent policies.</p> <p>Annex B: Definition of Local Connection and Local Need should be deleted.</p> <p>Community Action Proposals H-CAP 1 and H-CAP 2 should be deleted.</p>
PM9	Page 26	<p>Policy LNP9</p> <p>The Policy should be deleted in its entirety, together with the supporting text at paragraphs 8.5.1 and 8.5.2.</p> <p>It will be necessary to renumber subsequent policies.</p>
PM10	Page 27	<p>Policy LNP10</p> <p>Amend the second part of the Policy to read:</p> <p><b><i>"Development proposals for the use of local services or community facilities for other purposes will only be supported if <u>it can be demonstrated that the existing use is no longer economically viable and the developer can demonstrate that the site has been</u></i></b></p>

		<b><i>marketed for freehold or leasehold purposes for the current use at a reasonable commercial price for at least six months without an appropriate offer being received."</i></b>
PM11	Pages 27-28	Policy LNP11  The Policy to be deleted in its entirety, together with the supporting text at paragraph 8.7.  It will be necessary to renumber subsequent policies.
PM12	Page 31	Policy LNP12  Amend the Policy by deleting the following item:  <b><i><del>" 4. School field"</del></i></b>  The remaining items will require renumbering and the item deleted from the table at Annex D.  The following sentence should be deleted from paragraph 9.4.1:  "The Policy is in line with policies LHC3 and C21 of the CMDLP."  Delete paragraph 9.4.6 in its entirety.
PM13	Page 32	Policy LNP14  Amend the Policy by inserting the following text after the final sentence:  <b><i><u>"Proposals must also meet the requirements of other policies in this Plan and relevant local plan policies."</u></i></b>
PM14	Page 34	Policy LNP15  Amend the first sentence as follows:  <b><i><u>"Development proposals will be expected required to minimise impact on, conserve and, where possible, enhance biodiversity of the development site by:"</u></i></b>
PM15	Page 35	Policy LNP16

		Criterion (d) to be deleted in its entirety.
PM16	Pages 35-36	Policy LNP17 Criteria (i) and (iv) should be deleted in their entirety, together with the supporting text at paragraphs 10.6.2 and 10.6.3.
PM17	Page 38	Policy LNP20 Amend criterion (b) to read as follows: <b><i>"<u>preserve or enhance the character or appearance of the Conservation Area, and the buildings within it or contribute positively to <del>and</del> its setting; and</u>"</i></b>
PM18	Page 41	Policy LNP22 Amend the Policy title to read: <b><i>"<u>LNP22 – Walking and cycling safely</u>"</i></b> . Amend the Policy to read: <b><i>"<u>Proposals for development will be required to provide safe and convenient pedestrian and cycle access within the site and from connection to the wider footpath and rights of way network</u>"</i></b> . Amend the supporting text at paragraph 11.4.1 as follows: "Policy LNP22 ensures that new development will provide adequate, safe footpaths for <del>pedestrians and cycleways</del> both within the development site and linking to it."