

20191010-Residential Garden Land (RGL)

Burghclere Submission Plan Policy B4 justification

Background

At the outset of drawing up the Neighbourhood Plan (NP), it was assessed that the scope for the target figure of 10 houses set by Policy SS5 by B&DBC could not be met within the Settlement Policy Boundary (SPB) around Burghclere given lack of available space. The decision was taken to develop options of sites for development in the NP on land adjacent to the SPB in accordance with Para 4.67 of the Local Plan. Nevertheless property owners, whether inside the SPB or outside, could still chose to develop their own properties (modernisation, refurbishment or extension) or by adding other property(ies) within their curtilage should space permit.

B&DBC published an informal guidance note¹ (dated Jan 19) on 'New homes in the countryside on previously developed land (PDL}' in light of the Court of Appeal judgements regarding the 'Braintree' and 'Dartford' cases. While Policy SS6 recognises that there will some limited circumstances where it is appropriate to allow new housing development in the countryside (outside the SPBs), a limited number of exceptions can be made to the general policy of restraint on housing in the countryside. PDL can apply to land not in a built-up area, but would not apply in the case of RGL inside a SPB.

Existing LPA policy and Justification

As the Local Plan is silent on policy to resist inappropriate development on residential garden land, policy B4 is intended to give local effect to NPPF paragraph 70 by establishing local criteria that may be applied for applications for the redevelopment of RGL to maintain prevailing character in line with and paragraph 122 (d). It seeks to establish an appropriate balance between promoting new development in sustainable locations on the one hand and safeguarding the character and appearance of the village and maintaining residential amenity on the other. It in no way affects the rights of the owners to continue using it as garden land; neither does it prevent them from carrying out the various forms of minor development for which planning permission is deemed to be granted under the terms of the Town and Country Planning (General Permitted Development) Order.

NP RGL proposal

Within Burghclere's SPB many houses have long and sometimes large gardens that were the custom when built. In a few cases gardens have been extended by purchase of additional land. The scope therefore to develop RGL is considered significant and to provide guidance in respect of this option, the Steering Group decided that a RGL policy should be developed. Appendix 1 shows houses built in the parish since 2003, noting that recent approvals pending construction have not been included. This has been thrown into greater focus with a number of applications over the last 2 years that fall into this category and for which advice to planners and householders would be beneficial - see Appendix 1.

Burghclere's Regulation 14 Pre-submission included a policy clause in Policy B1 in respect of RGL. This states:

Development proposals on residential garden land within the Settlement Boundary will be supported subject to the following criteria:

- i. they respect the character and appearance of their immediate locality;
- ii. they reflect the scale, mass, design and layout of existing residential dwellings;
- iii. they safeguard the amenities of adjacent residential dwellings and their curtilages;
- iv. they provide off-street parking to development plan standards;

¹ New homes in the countryside on previously developed land (Jan 2019)

- v. they have appropriate and safe access to the highway network; and
- vi. any loss of biodiversity value on the site will be fully mitigated, and where practicable, measures to enhance biodiversity through habitat creation or improvement are incorporated.

On the advice of B&DBC these clauses will become a stand-alone policy for Regulation 15.

Details of Housing Development in Parish of Burghclere From 2003 to Current

CJ 22-09-2018

WITHIN the Settlement Boundary

Date Granted	Reference	Site	Residential Units	Type	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Market	Affordable
2/24/16	15/02236	Sandham House Pound Lane	6	House		2	1	3		Y	
6/14/16	16/01428	rear of Beechcroft Harts Lane	***	gym,office,cinema							
1/27/15	13/00503	The Croft Harts Lane	2	House					2	Y	
11/14/13	BDB/77464	Stembridge Close Harts Lane (2 are Appt)	6	House		2	1	3	1	Y	
8/21/13	13/00963	Coal Yard Ayres Lane	1	House				1		Y	
8/21/13	13/00062	Bus Garage Ayres Lane	1	House			1			Y	
9/29/09	BDB/70720	Cobbetts View	18	House		7	3	3	5		5 of 2 bed
11/22/07	64248	Laural Bank	7	House		3	2	1	1	Y	
2/21/05	BDB/59868	Terann - Clere View	1	Bungalow			1			Y	
10/5/01	BDB/51228	Land between Spring Cot & Westburgh,	1	House				1		y	
6/12/01	BDB/50056	now - FoxGloves	1	House				1		y	
		Totals	44			14	9	13	9		

OUTSIDE the Settlement Boundary

6/20/18	18/00377	Beacon Hill House	3	House			2	1		Y	
6/22/18	17/03114	Hockleys Hole	1	House			1			Y	
9/18/17	17/02389	Laurel House	1	House					1	Y	
4/11/17	16/03918	Whitway Farm	5	House			2	2	1	Y	
3/3/09	BDB/70028	Old Filling Station	1	House				1		Y	
							5	4	2		

Conversions From Non RES To RESIDENTIAL

6/15/18	17/04182	Concrete Cottages (Demolish)	3	House			3			Y	
7/18/17	17/01629	Norman Farm Conversion of Barns	2	barn conversion			1	1		Y	
12/12/17	17/00331	Swallows Rest C of Use to accommodation	1			1				Y	
10/23/15	15/02229	Old PO To 1 x 1B, 1 x 4b	1	Bungalow				1		Y	
6/22/15	15/01424	Mission Hall to Dwelling	1	House			1			Y	
8/21/12	BDB/74800	Barn conversion.	2	House			1	1		Y	
						1	6	3			

NOTE: *** This planning application was granted but later refused and appeal dismissed