

The Neighbourhood Plan & Planning Applications

The editor has kindly allowed me some additional space this month, so while we wait for the Plan's examination to finish, I thought you might be interested in how you can use the Plan even before that.

I have always said the main aim of the Plan is to give villagers control over what is – and is not – developed in the village. Whatever changes the examiner might make, the Plan will be the best and only way to exert that control, by using it to comment on planning applications.

People's reaction to planning applications might be complete disinterest and indifference, or at the other end of the scale, anger, distress and outrage. My own opinion is that in general there's a direct link between how close a new development is to where we each live and the way we react to it.

I'll freely admit I first took an interest in planning matters only when an application was made to build 65 houses not far from my house. I'll also admit at that time I was the classic NIMBY!

Having seen how little say the public has in planning matters, I took an interest in the Local Plan that was being written then, and which at that time ear-marked Saham for several huge developments, including around 100 houses on Pound Hill. I'm an engineer by background and like precision, so before letting Breckland Council know what I thought about its plan, I read their complete document to understand how I could best make a case against it.

And there's lesson 1 in planning matters: emotional reactions to development are completely understandable, but count for nothing when things are decided: cold, hard facts are what's needed.

Objecting to that one application and the Local Plan led me to get involved with the Neighbourhood Plan more than 4 years ago – little did I know then it would take up so much of my life – and since then, together with my group, I've tried to create a plan that's precise, without room for interpretation or loopholes. The fact that from the outset planners have hated what we've been doing only told us we must be on the right lines! Breckland Council has tried its best to persuade the examiner to water down our Plan and will inevitably succeed in some cases, but whatever the final outcome, it will be a powerful tool that will help any villager respond in an objective way to any planning application with a real hope of being listened to.

Now, before I go on, let's get some key planning jargon out of the way:

Householder application: covers things like extensions and renovations to a single property;

Outline planning permission: agreement by planners that in principle an application is acceptable, subject to full details being satisfactory (at a later stage);

Full planning permission: Permission to build, normally within a time limit of 2-3 years;

Planning condition: Specific, additional detail that must be provided after permission is granted but before various stages of building can go ahead. Applications to clear them can also be objected to;

Planning obligation: A contribution made by a developer to Breckland Council, usually but not always financial, to make the development acceptable:

Planning appeal: a right granted only to those who have a planning application refused, to take their case to the Government's planning inspectorate in hope of the refusal being overturned.

Other than householder applications, which the Plan doesn't concern itself with, the policies in the Plan will help any villager make a response to any of the above in a way that planners cannot simply ignore, or dismiss as emotional.

So how to do that? Well there isn't space here to go into every nuance, but here are what I think are the most important things:

First, of course we need to be aware of new planning applications. Adjustment to Covid has meant Breckland no longer puts up paper notices in the vicinity of a proposed site, and while they may write to a few immediate neighbours, the only sure way is to either to phone the planners on 01362 656870 or better if you can, use Breckland's planning search from time to time - <http://planning.breckland.gov.uk/OcellaWeb/planningSearch> - simply choose Saham Toney as the parish, tick the undecided box and click search: you'll get a list of all undecided applications and can click on any that interest you, read what's planned and make a response as you see fit.

Over the last 4 years I've read and responded to dozens, perhaps hundreds of applications, and while there are sometimes exceptions, I'd say in general there's a depressing pattern behind planning lesson 2: applicants will submit as little information as they can, leave out information that would count

against their site, and sometimes downright lie in the knowledge that planners are unlikely / unable to check every detail. So, we have to do that for them, by looking not only at what's submitted but also at what's missing. It's entirely acceptable that an initial response to a planning application is along the lines of 'not enough information has been provided to decide this application, (planners) please get the applicant to provide x, y and z'.

Lesson number 3 is that any application is assessed only on its compliance or otherwise with planning policies. In the case of Saham those are (a) the national planning rules; (b) the Breckland Local Plan and (c) the Neighbourhood Plan.

Lesson 4 quickly follows: (a) and (b) are full of loopholes, vagaries and text that can be interpreted in a variety of ways to suit particular purposes. And lesson 5 is that different planners will often make different interpretations. Despite this, there are still often examples where an application clearly contravenes national or district policies. Planners should be made aware of that, but in this article, I won't go into specifics about those particular rules, and instead will now focus on the most important features of the Neighbourhood Plan you can use to make a case for or against any application. Also for brevity, I'm going to talk only about applications for new housing.

- ❖ Is the site one of the nine allocated in the Neighbourhood Plan? If not is it either (a) a single house in the countryside for an agricultural worker? (b) for not more than 5 houses in the countryside that will all be affordable homes? (c) inside the village settlement boundary? If the answer to all three is "no" then the application contravenes the Plan and should be objected to.
- ❖ If a non-allocated site is outside the settlement boundary but not adjoining it, it directly contravenes both Local and Neighbourhood Plans and so should be objected to – we have done this successfully several times over the last 18 months: simply tell planners the application does not comply with their Policy HOU 04 and so must be rejected.
- ❖ If the site is allocated in the Plan, does it meet the criteria in its specific policy (policies 2H-2P)? If not, that should be pointed out to planners, with at least a request to remedy the issue or if not refuse the application.
- ❖ Is the site in the designated 'rural gap' between Saham Toney and Watton (Policy 5)? That's a band of land running approximately from the Cranswick factory in the west to the old railway in the east, and to

Broom Hall and the northern side of the golf course in the north and Watton Brook to the south. If the answer is 'yes' the application should be objected to on that basis.

- ❖ Is the site in an area at risk of surface water flooding (Policies 8A-8H)? If so have acceptable details been submitted to show how development will not increase that risk, either on the site itself, or to neighbouring properties and land? We all know what a problem this can be in the village and it's often a central part of any response to an application, especially since all too often it is glossed over by applicants, and then assessed by planners who know little or nothing about the subject, and care even less about the impact bad development can have on people's lives.
- ❖ Is the development in an area where the landscape character would be sensitive to development (Policy 7A)? If so has satisfactory evidence been provided to show it would blend in well with the landscape and in blunt terms, not be an eyesore? If not, object on those grounds.
- ❖ Will the development spoil one of the 10 designated public views in Policy 7B? If so, object but recognise that while taken alone, spoiling a view may not be enough to mean an application is refused, an objection should lead to measures being taken to mitigate the problem.
- ❖ Is the development likely to harm the view or character of any of the heritage assets specified in Policy 6? If so that's grounds for an objection.
- ❖ Is the site in one of the 6 local green spaces specified in Policy 7C? If so, it warrants an objection pointing out that's not allowed.
- ❖ Will a site have a harmful effect on wildlife and/or its habitats (Policy 7D)? While inevitable somewhat subjective, that still needs to be pointed out to planners, at the very least to ensure measures are imposed to mitigate damage.
- ❖ Is the development well designed and in keeping with the best characteristics of the village (Policy 3A)? Does it comply with the Village Design Guide? If not, while not reason alone to refuse it, planners should be made aware that it needs to be brought into compliance prior to approval.
- ❖ Will the density of housing be in keeping with the area (Policy 3B)? If not, it will likely change the character of the village and should be opposed.

There are of course many other nuances, but I would need the whole of Saga to go into them all!

Before closing I'd like all villagers to take an interest in the application for 54 houses at Nilefields. I know many of you – and Watton residents as well – have already objected to it. But it's been going on for two and half years and many of the objections made earlier will carry little weight now with planners when a decision is finally made – (a) because many are based mostly on emotion rather than hard facts, and (b) because the developer has submitted various new and updated documents since then to try and refute objections.

Hence, I urge every villager to make a fresh objection, citing the Neighbourhood Plan's policies as the reason the application should be rejected. If you want a short factual template just write to planning along these lines:

Application 3PL/2019/0010/F: Nilefields, Saham Toney

I object to the above application because it contravenes a range of policies of the Saham Toney Neighbourhood Plan, the key ones being:

- Policy 2A: It is not an allocated site and is not required to meet the village housing target;
- Policy 2C: It is remote from the settlement boundary and not an exception site;
- Policies 3A and 3B: It fails to respect the village character and significantly exceeds density guidelines;
- Policy 5: It is located in the Saham Toney Rural Gap;
- Policies 7A & 7B: It would have unacceptable impact on the local landscape character and impinges on a Key View;
- Policy 7D: It would have harmful effects on wildlife and habitats, particularly the Breckland Special Protection Area;
- Policy 8A: It will give rise to an unacceptable increase in surface water flood risk.

It also contravenes strategic policies HOU03, HOU04 and ENV03 of the Local Plan, among others.

If you would like a copy of the above, drop me an email and I'll send you it.

If you have any comments or questions on any of this, please get in touch with me.

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