

**PLANNING STATEMENT**  
**RESIDENTIAL DEVELOPMENT**  
**LAND AT SCHOOL LANE**  
**BAPCHILD**

## 1.0 Introduction

**1.1** This Statement considers National and Local Planning policies applicable to a planning application for residential development at School Lane, Bapchild. It should be read in conjunction with the other reports that accompany the application.

## 2.0 The site and its location.

**2.1** The site is located on the southern side of the village of Bapchild. It fronts School Lane, which links with the A2. To the west is Morris Court, a Grade 2 listed building now divided into two cottages. Morris Court is set within a large farmyard containing a number of agricultural buildings and various farm implements. The site is bounded to the east by the Rodmersham Road. On the opposite side of School Lane is an informal open space area with housing to the rear.

**2.2** The site is in arable agricultural use at the present time. It slopes gently upwards towards a ridgeline to the south, with open countryside beyond. There is a line of trees on the road frontages but no other significant vegetation within the site.

**2.3** The village of Bapchild lies mainly to the south of the A2 between Sittingbourne and Teynham. It contains a primary school, church, village hall, shops and a petrol station/repair garage/car showroom. The village saw significant development in the 1980s and 1990s but little building has taken place in recent years.

## 3.0 The proposed Development

**3.1** This is an outline application for 14 houses with all matters, except access, reserved. An indicative layout is submitted with the application showing how the 14 dwellings could be accommodated on the site. Access would be to School Lane at the northeastern end of the site and the houses; mainly modest terraced and semi-detached units would be built around a single cul-de-sac. This would contain adequate turning facilities for emergency and delivery vehicles and built to adoptable highway standards. The bulk of the trees on the road frontages would be retained. Since the site is below the threshold for affordable housing as set out in the Adopted SPD, none is to be provided. Further details can be found in the *Design and Access Statement* that accompanies the application.

## 4.0 Planning History

4.1 There are no relevant previous planning applications affecting the site.

## Policy Analysis

### 5.0 National Guidance

5.1 In March 2012 the Government published the *National Planning Policy Framework (NPPF)*. The NPPF sets out the Government's planning policies for England and constitutes guidance for local authorities and decision-takers, both in drawing up plans and as a "material consideration" in determining planning applications. Local Authorities are urged in the NPPF to approach development management decisions positively looking for solutions. Relevant policies are discussed below.

#### **Sustainable development**

5.2 At the heart of the Framework is a presumption in favour of sustainable development. The NPPF identifies three dimensions to sustainable development - economic, social and environmental.

**An economic role** – Although the proposed development does not include employment land, direct employment will be provided at the construction stage. The spending power of the residents of the 14 new homes will provide a modest boost to local services, including the school, church, village hall and local shops, helping to improve their viability. The 14 dwellings will also make a modest contribution towards providing the housing necessary to support the employment growth planned for the Sittingbourne area.

**A social role** – this role is concerned with providing the supply of housing required to meet the needs of present and future generation and the creation of a high quality built environment with accessible local services that reflect community needs and support its health, social and cultural wellbeing. It will be demonstrated that the emerging Local Plan does not make sufficient provision to meet the needs of present and future generations in the Borough and that the proposed development at Bapchild is capable of making a useful if modest contribution towards reducing the short-fall. The development will create a high quality built environment, in keeping with the character of the village.

Bapchild has not experienced any significant housing development in recent years, and this development of modest village homes would help to meet local needs for smaller homes, injecting new life into Bapchild and boosting the viability of local services.

The site is in a very sustainable location within easy walking distance of the village school, church, hall and shops. It is also very well related to Sittingbourne, with its employment, shopping, leisure and secondary school facilities. The town is just over a mile to the west and is accessible by regular public transport along the A2. Picture 4.3.2 in Chapter 4 of the emerging Local Plan shows Bapchild as being accessible to most or all services.

Paragraph 4.3.21 of the emerging Local Plan also identifies Bapchild as a tier 5 village, “ a settlement displaying more sustainable characteristics, usually as a result of better levels of public transport provision and/or local facilities and/or their closeness to urban or larger village populations”. Bapchild displays all of these characteristics and must therefore be considered to be a very sustainable village indeed.

The NPPF also places great emphasis on widening the choice of good quality housing (para 47). In its emerging Local Plan the Borough has chosen to allocate the bulk on the housing in the Sittingbourne area on very large sites to the north west and north east of the town. The proposed site is by contrast in a village location, capable of providing an attractive living environment and will widen the choice of good quality homes in the Thames Gateway part of the Borough.

**An environmental role** – this requires development to contribute to protecting and enhancing the natural, built and historic environment, helping to improve bio-diversity and using natural resources prudently. The site is in arable farming use at the present time and there is little or no habitat for wildlife within the site, apart from the treed area on the site frontage. All of the proposed dwellings will have gardens, which together with the implementation of the recommendations in the *Ecological Appraisal* that accompanies the application, will provide opportunities for enhancing biodiversity, compared with the rather sterile agricultural operations undertaken at present. The development will not have any adverse impacts on heritage assets.

**5.3** It can therefore be concluded that this is a very sustainable development in economic, social and environmental terms and the NPPF’s presumption in favour of sustainable development must take precedence.

This means that where the development plan is absent, silent or relevant policies are out of date, as is the case here, planning permission should be granted unless any adverse impacts of doing so would outweigh the benefits when assessed against the policies of the Framework taken as a whole. It will be demonstrated that the development would not give rise to any adverse impacts and that planning permission should be granted without delay.

### **The five-year housing land supply**

- 5.4** The NPPF also places great emphasis on local planning authorities identifying and updating annually a supply of specific deliverable sites sufficient to maintain five years worth of housing against their housing requirements with an additional 5% buffer (NPPF para 47). At a recent Public Inquiry into a planning appeal at Brogdale Road, Faversham, the Borough Council admitted that it only had 3.17 years supply of housing, a shortfall of 1437 dwellings. (A copy of the Inspector's report accompanies the application.) This will however be based on the annual requirement of 540 dwellings per annum in the adopted and emerging Local Plans, compared with the objectively assessed housing needs of the Borough, as required by the NPPF, of at least 740 dwellings per annum. This requirement is discussed in more detail in paragraphs 6.2 to 6.5 below. It is therefore reasonable to conclude that the higher annual requirement, together with meeting the cumulative shortfall over the last 2 years, would leave Swale with a much reduced 5 year land supply. Nor is there a realistic prospect of the shortfall being made up in the short-term.
- 5.5** Paragraph 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This will apply to the housing policies of both the adopted and emerging Local Plans.
- 5.6** The application site is capable of making a modest but useful contribution towards achieving a 5-year housing land supply. The site is "deliverable" within the definition in the footnote to paragraph 47 of the Framework. It offers a suitable location for development, is viable and can be delivered within 5 years.

## 6.0 Local Policy considerations

### The Swale Borough Local Plan

- 6.1** The Swale Borough Local Plan was adopted in 2008. Authorities were given until the 31<sup>st</sup> March 2013, to have an “NPPF compliant” local plan in place, which Swale has failed to do. The NPPF requires that, thereafter, for Local Plans adopted since 2004 due weight should be given to their policies according to their degree of consistency with the Framework (the closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given).

It has been demonstrated that Swale does not have a 5-year housing land supply (paras 5.4 and 5.5 above) and that the housing policies of the adopted Local Plan carry little or no weight. The Inspector in the Brogdale Road appeal identified policies SP4 *Housing*, SH1 *Settlement Hierarchy*, H5 *Housing Allocations*, H2 *Housing* as coming within this category, together with the housing elements of SP1 *Sustainable Development* and E6 *Countryside*. The same considerations would apply to the housing elements of Policies TG1 *Thames Gateway Planning Area* and SP5 *Rural Communities*. Other relevant adopted Local Plan policies and the weight that should be accorded to them are discussed below.

### Bearing Fruits 2031 : The draft Local Plan

- 6.2** In December 2014 the Borough Council consulted on the latest version of the Local Plan *Bearing Fruits 2031: Swale Borough Local Plan Part 1 Publication Version*. The consultation closed on the 30<sup>th</sup> January 2015. After the closure of the consultation the Council has not made any further changes to the Local Plan and this version has now been submitted for independent examination. The purpose of the consultation was to enable parties to submit their representations so that the Examination Inspector can consider them.

Individuals, organisations and businesses submitted a large number of representations, questioning the soundness of the Plan in a number of respects. A significant number of objectors, including the present applicants, have seriously questioned the adequacy of the housing provision made in the Plan and have argued that the Local Plan in its present form will not be found to be sound by an Independent Inspector because it does not make provision for the full objectively assessed housing needs of Swale over the Plan period, as required by the NPPF. The background to these objections is set out below.

- 6.3** In the summer of 2012 the Council commissioned Nathaniel Litchfield and Partners to undertake a “health check” on its original 2012 draft Core Strategy and to advise what would be required to make it NPPF compliant. Their report *Strategic Housing Market Assessment Update and Development Needs Assessment 2013* concluded that housing and employment targets needed to be more closely linked. Nathaniel Litchfield and Partners provided the Council with a number of scenarios, based on different growth assumptions. Officers recommended to the Council’s Local Development Framework Panel at its meeting on the 21<sup>st</sup> February 2013 that the housing development target be increased to 741 dwellings per annum. Despite warnings that the Core Strategy was unlikely to be found to be sound, Councillors decided to carry forward the original proposals for 540 dwellings per annum into the August 2013 Consultation Draft Plan.
- 6.4** Despite the NPPF requiring Councils to meet the full objectively assessed needs for market and affordable housing (Para 47 of the NPPF), and contrary to the advice of Independent Consultants and their own officers, in the present version of the Plan the Council has taken forward the 540 dwellings per annum figure with provision for a total of 10,800 dwellings over the plan period. This is despite Paragraph 4.2.3 of the Plan confirming that the objectively assessed need for housing falls within a range of 604 and 890 dwellings per annum. The paragraph concludes that if the higher economic scenario were pursued, as it is in the Plan, an annual figure of 740 to 750 dwellings would be required to ensure a sufficient local labour supply, whilst being more achievable. On the basis of present land availability this would require sites for at least a further 3000 dwellings, although with the backlog that has already grown up this could rise to 5000-6000 dwellings.
- 6.5** The Council has taken what it calls a “cautious” approach, adopting a housing target based on historic building rates. This does not comply with the requirement of the NPPF to meet the FULL objectively assessed needs for market and affordable housing. Nor does it assist the aspiration of the NPPF in para 47 to boost significantly the supply of housing. It could be expected that to achieve this, house-building targets would be at materially higher levels than in the past, not at a level that merely replicates historic building rates. Indeed in its representations the National House Builders federation calculates that the Objectively Assessed Need is nearer to 900 dwellings per annum, a shortfall of 4,000 to 5,000 dwellings.

**6.6** The Council seeks to justify its stance in a number of ways. It is claimed in paragraph 4.2.28 that it would challenge the presumption in favour of sustainable development to adopt higher target, as this would limit the Council's ability to take local circumstances into account so that it can respond to the different opportunities for achieving sustainable development in different areas. It is also claimed that a higher target would fail to take account of the most sustainable locations for managing patterns of growth to make the best use of public transport, walking and cycling and would fail to focus significant development in locations which are or could be made sustainable. No evidence is provided to substantiate these arguments; indeed it has already been demonstrated that the Bapchild site is in an extremely sustainable location and it provides a very real opportunity to achieve a sustainable development, which accords with the Plan's general pattern of growth.

**6.7** The Council then argues that adverse impacts of meeting the objectively assessed need of 740 dwellings per annum would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework. The Council has however provided no convincing evidence of adverse environmental or transport impacts of such significance that they would preclude meeting the higher annual target. Indeed the *Factors influencing Growth* set out in paragraph 4.2.8 onwards, suggest that there are no over-riding constraints to further housing development in Swale, particularly in the Thames Gateway area. It is concluded in 4.2.8 that "*it is difficult to show that growth in the lower and middle bands 600 to 900 would significantly affect the boroughs principle environmental assets*".

In these circumstances the Planning Minister's letter of the 19<sup>th</sup> December 2014 to the Chief Executive of the Planning Inspectorate would not apply to Swale, which has no Green Belt or other environmental assets that would preclude it from meeting its objectively assessed housing need. In the case of the Bapchild site it will be demonstrated that there are no adverse environmental or transport impacts, which would preclude its development.

**6.8** Thirdly the Council seeks to justify the under provision in housing, on the basis that there will be an early review of the Plan. Paragraph 4.2.23 recognises that *to support the Plan's economic strategy and to boost housing supply, there are strong reasons why the Council needs to boost housing and other provision - but not now*. The justification for this delay is not convincing. Policy ST2 contains a commitment to commencing a review of the Plan within 3 years or adoption or when other measures are triggered.



This timescale is so short as to beg the question as to why the full housing provision is not being made in the present Plan. The requirement for such an early review is both wasteful of resources and time consuming. The present draft Local Plan was commenced in 2010. Any similar delay in the preparation of a review could have serious economic consequences. It is also reasonable to conclude that in offering such an early review, Swale is recognising the shortcomings of its present Plan and sees a reasonable prospect of making up the deficit in a review.

**6.9** The only conclusion that can be drawn from this is that there is little or no prospect of an Inspector finding the Plan sound on the grounds of the adequacy of its housing provision. There are other areas in which the Plan may not be found sound, including the Duty to Co-operate, but housing provision remains the most serious issue. It is likely that the Borough will be required to return to the drawing board and to make provision for at least 740 dwellings per annum and possibly more. This will take a considerable time and in the meantime the Bapchild site is capable of making a modest but useful contribution towards meeting the most urgent requirement – the 5 year housing land supply.

**6.10** There is therefore something of a hiatus in Local Plan preparation in Swale with an adopted local plan that predates the NPPF and whose housing policies are out of date and can be accorded no weight, and a replacement plan which does not make sufficient provision for housing and is likely to be found unsound on this and other grounds in its present form. Indeed the Inspector in the Brogdale appeal concluded that the housing supply policies of the emerging Local Plan should carry very little weight. Therefore, in the absence of an NPPF compliant Local Plan or a five-year housing land supply, the Framework's Precedence in favour of sustainable development should be applied and the Bapchild site should be permitted forthwith. The following paragraphs consider local planning issues relating to the site.

### **Strategic Issues**

**6.11** Both the adopted local Plan and the emerging Local Plan identify Sittingbourne as the main urban centre in the Borough, where housing and employment growth will be mainly concentrated in that part of Swale within the Thames Gateway Area. Although in a village location, the application site is well related to the Sittingbourne urban area and is within easy reach of employment, retail and leisure facilities. The development of the application site would therefore fully accord with the strategic objectives of both plans.

## Locational considerations

**6.12** Although the site is not within the built up area boundary of Bapchild as defined on the Proposals Maps, in the absence of a five year land supply, little or no weight can be accorded to policies E6 and RC3 of the adopted Local Plan and policy ST3 of the emerging Local Plan, all of which seek to preclude housing development outside these boundaries. The site is, in fact, well related to the existing settlement pattern of Bapchild being located directly opposite a significant open space, a focal point of the village. The site continues the boundary line of the Morris Court farmyard as far as the Rodmersham Road, which forms a firm eastern boundary to development. It is in effect a “rounding off” of this part of Bapchild, which will not create a precedent for further development. Because the site boundary stops short of the ridge-line it will not impact on the open land to the south, respecting the character of the surrounding countryside. This view is supported by one of the conclusions of the Borough Council’s own *Swale Urban Extension Landscape Capacity Study (Jacobs) 2010 Study Area 15 South East of Sittingbourne* includes the application site. One of the conclusions in respect of the area’s capacity to accommodate growth is that:

***“ However, there would perhaps be some potential to extend the residential edge along the southern edge of Bapchild, where the landscape is well contained by the landform, which rises to the south. Any further development would be most appropriate if it comprised small scale and reasonably low density residential development which would relate to the existing residential periphery of Bapchild.”***

The proposed development fully accords with these conclusions.

## Countryside gaps

**6.13** The adopted Local Plan includes the site as part of a much larger area identified as a Strategic Gap around the southern and eastern sides of Sittingbourne (Policy E7). This notation was removed from the 2013 draft Local Plan because of concerns about compliance with the NPPF. On the emerging Local Plan Proposals Map the site is shown as being within an “important countryside gap”, which policy DM25 seeks to protect. This notation covers a large area to the east, west and south of Sittingbourne.

**6.14** There is no policy support in the NPPF for the identification of countryside gaps. Both the Framework and the recently published Guidance advocate landscape character assessment as the preferred planning approach. Paragraphs 76 and 77 of the Framework do allow Local Plans to identify “Local Green Spaces” in certain circumstances. The gap notation in the adopted Local Plan is “strategic” by its own admission and this would rule it out.

The “important countryside gap” identified in the emerging Local Plan is not a green space at all, it comprises large areas of agricultural land, and a designation on this scale is certainly not “demonstrably special to the local community” or “of particular local significance” as required by paragraph 77 of the NPPF. The policy represents an attempt to secure a green belt around Sittingbourne in all but name and is a “strategic” not a local notation. Policy E7 of the adopted Local Plan and Policy DM25 of the emerging Local Plan can therefore be accorded no weight at all. In any event the impact of the development on the open countryside will be minimal. This is a small site and is well screened by existing trees, which will be largely retained.

### **Landscape considerations**

**6.15** The application site is not within any designated national or local landscape designation. *The Swale Landscape and biodiversity Appraisal (Jacobs) 2011* includes the site within *Landscape Character Area 29 Rodmersham Mixed Farmlands*. The landscape character of the area is characterised by extensive areas of rolling countryside to the south of the A2, interspersed with steeply sloping, rounded dry chalk valleys mainly running north to south. The application site is an extremely small part of this area and because the site boundary stops short of the ridgeline, it will not impact on the wider landscape area to the south. Its development would have a minimal impact on the overall landscape character of *Landscape Character Area 29*. The analysis of the area does not specifically mention the application site or refer to it having any role as a countryside gap.

### **Ecology**

**6.16** The site is not within any nationally acknowledged or local ecological designation. The *Ecological Appraisal* that accompanies the application concludes that, because the site is in arable use, its habitats are mainly considered to be of low ecological value at the local level and would not impose any particular constraint on the development.

Both Policy E11 of the adopted Local Plan and Policy DM28 of the emerging Local Plan seek an enhancement of biodiversity where development takes place. The *Appraisal* makes a number of recommendations for improving biodiversity as part of the development, ensuring compliance with these policies.

### **Agricultural Value**

- 6.17** The application site comprises Grade 1 agricultural land. It forms a very small part of a much wider area of Grade 1 land to the south of Bapchild. The NPPF requires local authorities to look first to lower grade land for development but does not in principle rule out the use of higher-grade land, subject to considering its economic and other benefits. Policy E8 of the adopted Local Plan and Policy DM31 of the draft Plan states that development of higher grade agricultural land will not be permitted unless, inter alia, there is no sustainable alternative site on lower grade land, and the development would not result in the remaining holding becoming unviable or involve cumulative impacts. All of these criteria will be met.
- 6.18** In Sittingbourne's case it will be necessary to develop on higher-grade land if housing needs are to be met. There are no significant areas of lower grade land remaining, except within SPAs and SSSIs. Indeed, the land, which has been allocated for housing in Teynham to help to meet Sittingbourne's needs, is predominantly Grade 1 land. The Bapchild site is a very small part of a much larger holding, mainly located to the south of Bapchild and its development would not affect the viability of the holding in any way. There would be no cumulative impacts and the economic impact of the development on the local agricultural industry would be insignificant.

### **Heritage Assets**

- 6.19** Bapchild does not have a conservation area. The only designated heritage asset in the vicinity of the site is Morris Court, a Grade 2 listed building. The *Design and Access Statement* contains a *Heritage Statement*, which concludes that the setting of the listed building would not be adversely affected by the development. The application does not therefore conflict with the heritage policies of the adopted or emerging local plans.

## Transportation

- 6.20** Access is not a reserved matter and details of a new junction with School Lane are included in the submitted plans. A *Transport Statement* accompanies the application. This concludes that the proposed access point shown on the indicative layout meets normal highway standards and that local roads are capable of accommodating the traffic generated by the development.
- 6.21** Regular bus services run along the A2 and Sittingbourne Station with its services to London is within easy reach.
- 6.22** Car parking and cycle storage will be provided to normal County Council Standards. The development will fully comply with Policies TI, T3, T4 and T5 of the adopted Local Plan and Policies DM6 and DM7 of the emerging Local Plan.

## Affordable Housing

- 6.23** Policy H3 of the adopted Local Plan 2008, requires affordable housing to be provided for developments of 15 or more houses. The present proposals are for 14 dwellings. This threshold is also set out in the Council's adopted SPD 2009. Policy DM8 of the emerging Local Plan reduces the threshold to 10 dwellings. This policy is at a relatively early stage and has not yet been tested at Examination. In the absence of a five-year land supply, it carries little or no weight. It is therefore proposed not to provide any affordable housing, in accordance with adopted policy.

## Sustainable Design and Construction

- 6.24** The development will proceed in accordance with the Code for Sustainable Homes requirements, or it's equivalent. Construction materials will be recyclable and sourced locally where practical and viable. Sustainable drainage systems will be incorporated in accordance with Policy DM 21 of the emerging Local Plan. All development works will be undertaken in accordance with a fully detailed *Construction Management Plan*, to be agreed with the LPA and implemented throughout the construction phase. The development will meet all of the relevant requirements of Policy DM19 *Sustainable Design and Construction* of the emerging Local Plan.

## **8.0 Conclusions**

- 8.1** Swale's adopted Local Plan predates the NPPF and many of its policies; particularly those related to housing are out of date and carry little or no weight. The replacement Plan is likely to be found unsound in its present form on a number of grounds, including not meeting its objectively assessed housing needs as required by the NPPF. Swale also does not have a five-year housing land supply, a further requirement of the NPPF.
- 8.2** In these circumstances the NPPF makes it clear that the presumption in favour of sustainable development should be applied and that unless the adverse impacts of the development outweigh the benefits, planning permission should be granted.
- 8.3** It has been demonstrated that this is a sustainable development and that Bapchild is a very sustainable location. This is a small site and the adverse impact of development on the countryside and high grade agricultural land would be not be significant and, in any event, would be far outweighed by the benefits of the scheme to the village and in terms of making a modest contribution towards the five year housing land supply, whilst at the same time widening the choice of high quality housing in the Borough. The Frameworks presumption in favour of sustainable development should therefore take precedence and the application should be approved without delay.