

Joint Local Plan Review for West Dorset, Weymouth and Portland

DISTRIBUTION OF DEVELOPMENT BACKGROUND PAPER

ISSUES AND OPTIONS CONSULTATION VERSION

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1. Introduction

PURPOSE OF BACKGROUND PAPER

- 1.1 This background paper supports the review of the West Dorset, Weymouth & Portland Local Plan, which was adopted in October 2015.
- 1.2 The adopted local plan sets out the long term planning strategy for the area and includes detailed policies and site proposals for housing, employment, leisure and infrastructure. However, the local plan inspector required an ‘early review’ to be undertaken, which should be in place by 2021. He indicated that the review should identify additional land capable of meeting needs to 2036.
- 1.3 The current local plan includes a spatial strategy, which seeks to deliver a sustainable pattern of development. It is important to review the effectiveness of this strategy as part of the local plan review in order to ensure that it continues to contribute to the achievement of sustainable development.
- 1.4 Policy SUS 2 – Distribution of Development in the current local plan sets out the spatial strategy for the location of new development for the period to 2031. This background paper discusses a number of issues relevant to the current spatial strategy.
- 1.5 This is a working document which will be updated as evidence is acquired and the consultation process proceeds.

NATIONAL PLANNING POLICY AND GUIDANCE

NATIONAL PLANNING POLICY FRAMEWORK

- 1.6 One of the core principles set out in paragraph 17 of the National Planning Policy Framework (NPPF) is that planning should *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.”*
- 1.7 Another core principle is that planning should *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”*
- 1.8 Paragraph 37 of the NPPF states that *“planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.”*
- 1.9 Paragraph 55 of the NPPF also states that in order *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of*

smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances ...”

NATIONAL PLANNING PRACTICE GUIDANCE (PPG)

- 1.10 Paragraph 6-007-20140306 of the Planning Practice Guidance (PPG) recognises the role planning can have in addressing the issue of climate change. It states that *“the distribution and design of new development and the potential for servicing sites through sustainable transport solutions are particularly important considerations that affect transport emissions.”*

2. Evidence and Research

INTRODUCTION

- 2.1 Policy SUS2 in the current local plan includes a settlement hierarchy, which aims to achieve a sustainable pattern of development. The settlement hierarchy reflects the spatial approach to the distribution of development in previous local plans, which was informed by a number of sources of evidence, including evidence to support the preparation of the Regional Spatial Strategy (RSS) for the South West (which was never adopted).
- 2.2 This section briefly discusses the evidence studies and summarises the approach taken in previous local plans.

ROGER TYM AND PARTNERS: FUNCTIONAL ANALYSIS OF SETTLEMENTS

- 2.3 In April 2005 the South West Regional Assembly published a report by Roger Tym and Partners on the Functional Analysis of Settlements across the region (CD/SUS7). This identified Dorchester and Weymouth as strategically significant settlements and employment centres. It also provided some commentary on Bridport, but did not consider it to be a strategically significant settlement or employment centre.
- 2.4 In relation to the 'South Dorset Towns' of Bridport, Dorchester and Weymouth paragraph 9.21 of the report said *"Considering the towns together it appears that neither size, self-containment nor net employment flows are good guides to strategic employment significance considered alone ... thus, again, there is the need to consider the network that towns form nodes in, and to plan for them accordingly."*
- 2.5 In relation to Dorchester paragraph 9.21 said *"Dorchester is clearly a significant strategic employment centre, both because of its high import of employees, and the relatively short distances they travel."* Paragraph 9.29 went on to say *"Dorchester is clearly a significant strategic employment centre, performing its County town role and as a retail centre and, as such, should be planned accordingly."*
- 2.6 In relation to Weymouth paragraph 9.21 said *"Weymouth, although a net exporter of employees, we feel should also be identified as a strategically significance employment centre, both because of its absolute size, and as for Dorchester, because of the relatively short distances of the flows in and out of the town."* Paragraph 9.29 went on to confirm that *"Weymouth is a strategically significant employment centre."*
- 2.7 In relation to Bridport paragraph 9.21 said *"Bridport is quite self-contained, though trips out of the town are of longer average distance than for the other two towns. Bridport, because of its small size, precludes identification as a strategically significant employment centre, but its high self-containment indicates that planning for modest employment growth would be appropriate."* Paragraph 9.32 went on to say *"The*

coastal town of Bridport is a small centre. Though it is self-contained in employment terms, for the purposes of RSS it is not a strategically significant settlement.”

RURAL FUNCTIONALITY STUDY

- 2.8 In 2007 West Dorset District Council undertook a Rural Functionality Study (CD/SUS5) to provide a greater understanding of how rural areas function. The research was based on a survey of residents in ten villages and three rural business sites in West Dorset. This was coupled with a desktop study based on secondary data from sources such as the census.
- 2.9 The key findings were that:
- Supporting development in villages with facilities is more sustainable because where facilities exist in a village they will be utilised by local residents. Trips to village facilities are more likely to be carried out on foot or by bicycle than by car. For villages without a shop, top up shopping is not carried out at the location closest to the village. It is likely these people combine their shopping with journeys made for other activities.
 - Development in villages does not necessarily mean that facilities will be retained. The desktop study revealed that there does not appear to be a relationship between an increase in household numbers over time and the retention of facilities in a village. Despite an increasing number of households over time in all of the villages, there were losses of facilities in seven of the villages. The evidence implies that a substantial amount of development is required to support new and existing facilities.
 - A key reason for moving to West Dorset is its environmental quality. The most popular reason given for moving to rural Dorset was to live in a nice area. West Dorset is well known for its beautiful countryside. 71% of the district is a designated Area of Outstanding Natural Beauty, and the coastline is a World Heritage Site in recognitions of its outstanding geological interest.
 - When relocating to a village, moving to be nearer to shops and facilities is not an important factor. The least popular reasons for moving to villages were to be near schools, shops or facilities. These were not considered important because most of the villages do not have a shop.
 - There is no evidence to suggest that an ageing population will form in a village where there is no development. The comparison of age structures of selected villages showed that there was no clear link between when a village received development and changes in the age structure over time.
 - There is a high reliance on the private car for journeys. This was the dominant mode of transport for all journeys. For activities that take place outside of the

village this may be unavoidable, but even where there was a bus service available it was rarely utilised by the residents.

- People generally travel to their nearest settlement to carry out food shopping, but for non-food shopping and recreation the trend for people to travel to the nearest settlement that would meet their needs is less pronounced. Whilst all the villages accommodated a number of leisure activities, they cannot meet the needs of everyone due to the diverse range of hobbies that people follow.
- Remoter villages have a higher proportion of home working, but those who do commute to work travel longer distances. Whitchurch Canonicorum had 53% of the working population employed within the village, and Thorncombe had 40%. These are located in the more remote areas of the district. Puddletown and Charlton Down had the lowest proportion of home workers, possibly because they are closer to larger settlements with good transport connections. Stoke Abbott and Whitchurch Canonicorum had the highest proportion of long distance commuters (over 100km), although the survey did not reveal whether this trip was being made on a daily basis or if the commuters were living away from home during the working week.
- The settlements around Dorchester act as dormitory villages for the town. Dorchester meets the employment and shopping needs for the majority of residents in Puddletown, Charlton Down and Crossways.
- Rural business sites do not support the local area as much as they could. The response to the business surveys was poor, but the results indicate that rural business sites are not being wholly effective in providing employment for local people, or supporting the local economy.

WEST DORSET DISTRICT LOCAL PLAN: 2006

- 2.10 Paragraph 5.2.8 of the West Dorset District Local Plan, which was adopted in 2006 (and is now superseded) stated *“the Strategy of the Local Plan is to guide development towards the most sustainable locations – those locations which offer the best opportunity to cater for the needs of the local community and economy without reliance on the private car or detriment to the wider environment.”*
- 2.11 Policy SS1: Development Within the Towns and Rural Areas of the 2006 West Dorset District Local Plan stated *“Development will be permitted within the towns of Dorchester, Bridport, Sherborne, Beaminster, Chickereil and Lyme Regis ... Development should take place within the defined development boundaries of towns and villages as shown on the Proposals Map.”*
- 2.12 This policy does not place Dorchester at a higher level in the settlement hierarchy, but its higher status was established in both the Structure Plan and the emerging RSS. It was also recognised as the most sustainable location for future growth in the district in

the supporting text. Paragraph 5.2.11 of the 2006 West Dorset District Local Plan stated *“the towns in West Dorset are: Dorchester, Sherborne, Bridport, Lyme Regis, Beaminster and Chickerell. Dorchester is the County town; it has the largest population and range of facilities in the District and is the most sustainable location for future growth. It is identified as a strategically significant town in both the Structure Plan and emerging Regional Spatial Strategy. Sherborne and Bridport also have a wide range of facilities and rank second to Dorchester in the settlement hierarchy. Below these are Beaminster, Lyme Regis and Chickerell. Beaminster and Lyme Regis are smaller centres. Chickerell gained town status in 2001. Some of the built up parts of the parish adjoin the town of Weymouth (which like Dorchester is identified as strategically important in both the Structure Plan and emerging Regional Spatial Strategy): the free-standing part of Chickerell has the characteristics of a small dormitory town. Future growth should reflect the town’s position within the hierarchy and be influenced by its economic strengths and weaknesses.”*

- 2.13 The previous local plan for West Dorset, which was adopted in 1998, included defined development boundaries (DDBs) around many villages. However, paragraph 5.3.6 of the 2006 local plan stated *“the number of settlements at which infill development for open market housing will be permitted has, therefore, been restricted in order to encourage a more sustainable pattern of development. At the same time, the policy framework allows the provision of development that will provide affordable housing to meet local needs, provide local community facilities, or support the local economy, within or adjoining a wider range of settlements. This will allow local needs to be met while restricting open market housing in less sustainable locations.”*
- 2.14 This approach was carried forward into the current West Dorset, Weymouth & Portland Local Plan, which was adopted in 2015.

WEYMOUTH & PORTLAND LOCAL PLAN: 2005

- 2.15 Paragraph 2.1.1 of the Weymouth & Portland Local Plan, which was adopted in 2005 (and is now superseded), stated *“one of the key roles of the Local Plan is to identify areas where development is generally acceptable, and areas where development may not be appropriate. A strategic approach has been adopted which identifies Development Boundaries as the general limits to development and Important Open Gaps between settlements and distinct parts of the built up area.”*
- 2.16 The opening sentence of Appendix 1 of the 2005 Weymouth & Portland Local Plan stated *“The Development Boundary marks the acceptable extent of the built up area of the Borough. This includes the limits of the urban area of Weymouth, the suburban areas around Preston, Littlemoor, Broadway and Southill, the villages of Portland and of other specific developed locations outside these areas.”*

- 2.17 Appendix 1 of the 2005 Weymouth & Portland Local Plan provided more detail on how development boundaries were defined and included a description of each boundary. These descriptions were carried forward into the West Dorset, Weymouth & Portland Local Plan Policies Maps – Background Document 2015, which is online here - <https://www.dorsetforyou.gov.uk/jointlocalplan/west/weymouth>.

WEST DORSET, WEYMOUTH & PORTLAND LOCAL PLAN: 2015

- 2.18 Policy SUS 2 of the West Dorset, Weymouth & Portland Local Plan, which was adopted in October 2015, drew together and updated the spatial approaches in the previously adopted local plans for the borough and district. Policy SUS 2 of the current local plan sets out a single spatial approach across both areas, part of which is a ‘settlement hierarchy’, which largely reflects earlier approaches. This ‘current approach’ is explained in more detail below.

3. Current Approach

LOCAL PLAN POLICY: POLICY SUS2 – DISTRIBUTION OF DEVELOPMENT

- 3.1 Criterion i) of Policy SUS 2 – Distribution of Development establishes a four tier ‘settlement hierarchy’.
- 3.2 The first bullet point of Policy SUS 2 i) indicates that *“the main towns of Dorchester and Weymouth (of which Chickerell and parts of Littlemoor form outlying parts) will be the highest priority locations for new development.”* The ‘main towns’ of Dorchester and Weymouth (as defined in the policy) therefore form the first (and highest) tier of the settlement hierarchy.
- 3.3 The second bullet point of Policy SUS 2 i) indicates that *“elsewhere in the plan area, the market and coastal towns of Beaminster, Bridport, Lyme Regis, Portland and Sherborne and the village of Crossways will be a focus for future development.”* The ‘market and coastal towns’ (as defined in the policy) and the village of Crossways, therefore form the second tier of the settlement hierarchy.
- 3.4 The third bullet point of Policy SUS 2 i) indicates that in rural areas, development *“will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement.”* Settlements with defined development boundaries (DDBs) in rural areas (which were also those identified in previous local plans), therefore form the third tier of the settlement hierarchy.
- 3.5 All settlements with DDBs, which make up the first three tiers of the settlement hierarchy, are listed in the box following paragraph 3.3.26 on page 70 of the 2015 local plan.
- 3.6 The third bullet point of Policy SUS 2 i) also indicates that in rural areas *“settlements with no defined development boundary may also have some growth to meet their local needs.”* Settlements without DDBs therefore form the fourth tier of the settlement hierarchy.
- 3.7 A DDB is a planning tool, which is used to manage development by applying different policy approaches inside and outside the boundary. Criteria ii) and iii) of Policy SUS 2 explain the different approaches that apply.
- 3.8 Criterion ii) establishes a permissive approach within DDBs. It states that within DDBs *“residential, employment and other development to meet the needs of the local area will normally be permitted.”*
- 3.9 Criterion iii) establishes a more restrictive approach outside DDBs. It states that outside DDBs *“development will be strictly controlled having particular regard to the need for the protection of the countryside and environmental constraints.”*

- 3.10 Criterion iii) also lists a limited number of different types of uses, which may be permitted outside DDBs. One such use is *“open market housing through the re-use of existing rural buildings.”* More detail is provided on this in Policy SUS 3 – Adaptation and Re-use of Buildings outside Defined Development Boundaries.
- 3.11 Criterion ii) of Policy SUS 3 allows the adaptation and re-use of rural buildings for *“open market housing or built tourist accommodation adjoining a settlement with a defined development boundary, or within or adjoining an established settlement of more than 200 population. In all cases only where the building/s was in existence in 2011.”*
- 3.12 With respect to re-use for open market housing and built tourist accommodation, this element of policy differentiates between those settlements in the fourth tier of the settlement hierarchy that have a population of more than 200 and those that have less. All settlements with populations of 200+ are listed in the box after paragraph 3.42 on page 74 of the local plan.

REASON FOR CHANGE

- 3.13 The current approach to the distribution of development has been developed over many years, reflecting and building on the approaches taken in earlier local plans.
- 3.14 Paragraph 37 of the local plan inspector’s report said *“having regard to the purposes of the LP (Local Plan), sustainability objectives, environmental constraints and my conclusions about housing land supply, I am satisfied that the spatial strategy can, in principle, be supported.”* However, the Inspector was also concerned that *“the LP fails to give sufficient emphasis to the sustainable role of particular settlements and the contribution they could make to meeting development needs.”*
- 3.15 The ‘particular settlements’ the inspector had in mind were Dorchester and Sherborne, hence his recommendation that as part of the local plan review process, the councils should *“identify a long-term strategy for development in the Dorchester area and reappraise housing provision in Sherborne.”* The councils are now considering a range of development options at these towns as part of the Initial Issues and Options Consultation. These matters are discussed in more detail in separate background papers for both towns.
- 3.16 Notwithstanding the need to look again at opportunities in Dorchester and Sherborne, it is not intended to fundamentally change the overall spatial approach. However, it may benefit from some re-examination for the following reasons:
- the need to accommodate further growth in the period to 2036;
 - recently granted planning permissions and appeals allowed outside defined development boundaries;

- a lack of clarity about what development ‘at an appropriate scale to the size of the settlement’ means for settlements in rural areas;
- the designation / proposed designation of additional defined development boundaries in neighbourhood plans; and
- a lack of clarity with regard to how the settlement hierarchy applies to Portland.

3.17 These reasons are discussed in more detail below.

4. Accommodating Growth within the Settlement Hierarchy

- 4.1 The councils need to identify sufficient land to accommodate at least a further 4,520 homes by 2036, in addition to the land for 14,855 new homes already identified in the adopted local plan, as explained in more detail in the Level of Growth – Housing Background Paper.
- 4.2 In the current local plan, sites have only been allocated at the eight settlements in the first and second tiers of the settlement hierarchy. As part of the local plan review, the councils have looked again at the potential of these settlements to accommodate the additional growth now proposed.
- 4.3 The Initial Issues and Options Consultation Document identifies more than sufficient land to accommodate the additional new homes required at the eight settlements in the top two tiers of the settlement hierarchy. Whilst the merits of these sites will need to be evaluated in more detail as work on the local plan review progresses, it seems likely that the strategic development needs of the plan area could be met at these higher levels of the settlement hierarchy. Although it is unlikely that the settlements at the third tier of the hierarchy would need to contribute to meeting such needs, views are sought on the option of proposing some further growth at these settlements, which are mainly larger villages.
- 4.4 If the local plan review is to propose growth at settlements at the third tier of the hierarchy, consideration would need to be given to which settlements could potentially be suitable to accommodate growth over and above the level likely to be delivered in accordance with current policy. As all settlements at the third tier have a DDB, some growth could be accommodated on suitable infill sites within the DDBs and / or through the adaptation or re-use of existing buildings adjoining the DDBs. The allocation of new sites for housing development in the local plan review would be a way of delivering further growth over and above the level likely to be delivered on sites that accord with current policy.
- 4.5 This raises the question of which settlements potentially could (or should) be considered for opportunities for further growth. As explained earlier in this paper, the number of settlements with DDBs in West Dorset was reduced significantly when the 2006 local plan was adopted with the aim of delivering a more sustainable pattern of development. One option could be to consider opportunities for further growth in all settlements with DDBs.
- 4.6 A different approach could be to only consider opportunities for further growth at larger villages, with higher populations and at least some day-to-day facilities, which were seen as being more sustainable, particularly in transport terms, by the rural functionality study.

- 4.7 Settlements with DDBs and their estimated populations are listed in Figure 1 below. Tier 3 – ‘Other Settlements with DDBs’ has been broken down into three categories by estimated population to show settlements with: a population of over 1,000; settlements with a population between 600 and 1,000; and settlements with a population of less than 600.
- 4.8 The figure shows that the largest villages have a population of about 1,500 people whereas the smallest village has a population of just 147. Whilst Figure 1 does not provide details of community facilities, generally those villages with higher populations have more day-to-day facilities and therefore are likely to be more sustainable locations for further growth.

Figure 1: Settlements in the First Three Tiers of the Local Plan Settlement Hierarchy Arranged by Population Size

TIER 1 - MAIN TOWNS		
	Weymouth	52,168
	Dorchester	19,481
TIER 2 - COASTAL AND MARKET TOWNS & CROSSWAYS		
	Bridport (inc. Allington, Bothenhampton and Bradpole)	13,661
	Portland	12,966
	Sherborne	9,645
	Chickerell	5,524
	Lyme Regis	3,637
	Beaminster	3,097
	Crossways	2,363
TIER 3 - OTHER SETTLEMENTS WITH DDB'S (PARISH POPULATION)		
Population over 1,000	Charminster	2,979
	• Charminster village	about 1,500
	• Charlton Down	about 1,500
	Puddletown	1,452
	Broadwindsor	1,319
	Charmouth	1,310
	Broadmayne	1,250

	Maiden Newton and Higher Frome Vauchurch	1,106
	Yetminster	1,028
Population between 600 and 1,000	Burton Bradstock	925
	Bradford Abbas	880
	Thornford	831
	Cerne Abbas	819
	Portesham	670
	Piddletrenthide	655
	Mosterton	636
	Buckland Newton	609
Population less than 600	Sutton Poyntz (village within the WPBC area)	c.500
	Salway Ash (in Netherbury Parish)	about 427
	Bishop's Caundle	393
	West Knighton	388
	Winterborne Abbas	315
	Trent	301
	Winterbourne Steepleton	270
	Evershot	211
	Godmanstone (DDB added in Cerne Valley neighbourhood plan)	147

- 4.9 Views are sought on whether the local plan review should consider identifying sites for growth at settlements at a more limited range of potentially more sustainable villages. On the basis of this analysis, views are sought on whether opportunities should be considered at villages with populations of more than 600, or at villages with populations of more than 1,000.

DEFINED DEVELOPMENT BOUNDARIES

- 4.10 A DDB is a 'planning tool' which seeks to control the distribution of development. Policy SUS2 indicates that within DDBs residential, employment and other developments will normally be permitted. It then goes on to explain that development outside DDBs will be "*strictly controlled*" and restricted to a limited number of specific types of development.

- 4.11 There have been a number of recent cases where proposals for market housing outside DDBs have been permitted. In some cases the proposals have been permitted by the relevant planning committee and in others they have been allowed at appeal following a refusal by the relevant planning committee.
- 4.12 Generally such proposals have been considered to be contrary to Policy SUS2 but have been allowed for other reasons. Local communities have sometimes found it difficult to understand why such proposals have been permitted, which raises the issue of whether Policy SUS2 and / or the supporting text should be amended to clarify the other matters that will be taken into account when the policy is applied.
- 4.13 In some cases proposals have been considered to be sustainable, in terms of national policy and Policy INT1 – The Presumption in Favour of Sustainable Development in the local plan. In such cases, regard has also been had to other material considerations most notably the councils’ five-year housing land supply, which in recent months has switched from being marginally above five years to being marginally below.
- 4.14 Views are sought on whether the supporting text to Policy SUS2 should be amended to clarify the other matters that should be taken into account when the policy is applied to market housing developments, most notably:
- national policy;
 - Policy INT 1 in the local plan; and
 - the councils’ housing land supply position.
- 4.15 These issues are discussed in more detail below.

NATIONAL POLICY

- 4.16 Paragraph 49 of NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development.”* The NPPF indicates that sustainable development includes economic, social and environmental dimensions and paragraph 8 states that in order *“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”* The ‘presumption’ in national policy is reflected in Policy INT1 of the local plan, which indicates that *“there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.”*

POLICY INT1

- 4.17 Where proposals for market housing development are located outside DDBs, they are contrary to Policy SUS2. However, if on balance they are considered to improve the economic, social and environmental conditions in the area, they may be considered to comply with Policy INT1 and to reflect ‘the presumption’ in national policy. Where relevant policies in the local plan are considered to be out-of-date, Policy INT1 also

indicates that “*the extent to which the proposal positively contributes to the strategic objectives in the local plan*” (listed on pages 11 and 12), will be “*taken into account.*”

THE COUNCILS’ HOUSING LAND SUPPLY POSITION

- 4.18 National policy regards the provision of housing as a part of the ‘social role’ of the planning system and in determining the weight to give to that in decision-making, the supply of housing land, both to meet housing needs over the plan period and in the next five years, is an important consideration.
- 4.19 The inspector concluded that the local plan did not make adequate provision for housing for the whole plan period, which was one of the main reasons he recommended an early review. Whilst he concluded that there was an adequate supply to meet housing needs over the next five years, he considered this supply (5.1 years) to be marginal, which is why he recommended in paragraph 106 of his report that the councils “*should take advantage of every reasonable opportunity to improve their short term supply position as well as the overall amount of housing for the plan period.*”
- 4.20 At times when the councils housing land supply has been marginally above five years, considerable weight has often been given to the provision of housing, when planning applications for market housing have been determined on sites outside DDBs. When the councils housing land supply has been marginally below five years (as is currently the case) different considerations apply, which also have the effect of considerable weight being given to the provision of housing, when planning applications for market housing are determined on sites outside DDBs.
- 4.21 In such cases, the second sentence of paragraph 49 of the NPPF applies. This says “*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.*”
- 4.22 The issue of what was meant by the phrase “*relevant policies for the supply of housing*” in paragraph 49 of the NPPF and the effect of such policies being deemed out-of-date by paragraph 49 where there was not a five year housing land supply were matters that have been considered by the courts. The most recent judgement is that given by the Court of Appeal in the conjoined appeals of *Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates v Cheshire East BC & SSCLG [2016] EWCA Civ 168*.
- 4.23 The Court of Appeal supported a wide interpretation of the phrase. In effect the Court took the view that any restrictive policy that may have the effect of constraining the supply of housing land was a relevant policy for the supply of housing. A policy such as SUS2 clearly does have that effect and, in the light of the Court of Appeal judgement, is considered to be a relevant policy for the supply of housing. In circumstances where

the councils do not have a five-year supply, Policy SUS2 would be deemed to be out-of-date and in this respect, paragraph 14 of the NPPF is engaged.

- 4.24 This says *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking ... For decision-taking this means:*
- *approving development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*
- 4.25 There may be policies in the NPPF indicating that a specific development should be restricted. However, in the absence of such policies, paragraph 14 establishes the test that planning permission should be granted unless (in the context of the NPPF as a whole), any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.26 The Court of Appeal judgement clarified that the policies in paragraphs 14 and 49 of the NPPF taken together do not make out-of-date policies for the supply of housing irrelevant in the determination of a planning application or appeal. The judgement also clarified that it will be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date.
- 4.27 The key point in relation to Policy SUS2 is the Court of Appeal judgement establishes that the approach the councils should take to the determination of a proposal for market housing outside a DDB is different when they are not able to demonstrate a five-year housing land supply.
- 4.28 Given the implications of the five-year housing land supply position for decision-making, it is considered helpful to make that point in the supporting text to Policy SUS2.

DEVELOPMENT ‘AT AN APPROPRIATE SCALE TO THE SIZE OF THE SETTLEMENT’

- 4.29 Policy SUS2 states that development in rural areas will be directed to the settlements with DDBs, and will take place *“at an appropriate scale to the size of the settlement”*. However, there is little in the supporting text to explain what this phrase means and what factors should be taken into account in making a judgement on whether a scheme is of an ‘appropriate scale’. This raises the issue of whether the supporting text should be amended to provide greater clarity on this point.

4.30 It is considered that there are a number of factors that should be taken into account in making a judgement on whether a scheme is of an 'appropriate scale', which are:

- whether the proposals are of a strategic nature;
- whether the proposals would help communities to meet their local needs;
- whether the proposals would change the character and setting of the settlement;
- whether local infrastructure, including any necessary improvements, could accommodate or be supported by the proposed development; and
- cumulative impacts.

4.31 These issues are discussed in more detail below.

5. Proposals of a Strategic Nature

- 5.1 Paragraph 156 of the NPPF indicates that *“local planning authorities should set out the strategic priorities for the area in the Local Plan”* and also that the local plan should include *“strategic policies”* to deliver those priorities. This suggests that proposals of a strategic nature, both in rural areas and elsewhere, should normally be considered in a review of a local plan, rather than against Policy SUS2.
- 5.2 The 2006 West Dorset District Local Plan discussed the relative sustainability of different settlements in the plan area and sought to guide development towards the most sustainable locations, which Policy SS1 identified as the district’s towns. The 2015 joint local plan developed a four tier settlement hierarchy across West Dorset and Weymouth & Portland and Policy SUS2 placed the district’s towns in the top two tiers. Due to the level of additional growth allocated at Crossways (500 homes), the village was also placed in the second tier of the settlement hierarchy, recognising that it would be *“a focus for future development.”*
- 5.3 Such a significant amount of housing growth at Crossways, which resulted in the village moving into a different level in the settlement hierarchy, was clearly a proposal of a strategic nature. Consideration of this issue through the local plan process enabled all the relevant issues (such as the role of Crossways in meeting the longer term needs of Dorchester) and all the possible alternatives (including not only different sites around the village but also sites elsewhere) to be considered in the round, which would not be possible through the planning application process.
- 5.4 Paragraph 184 of the NPPF also provides guidance on the interrelationship between local plans and neighbourhood plans. It states *“the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”* This indicates that matters of a strategic nature should be considered through the local plan (or local plan review) process, rather than in a neighbourhood plan.
- 5.5 The supporting text to Policy SUS2 could provide some examples of what constituted a ‘proposal of a strategic nature’, which could include:
- issues that should properly be considered through the local plan (review) process rather than against local plan policies; and

- issues that national policy indicates would be beyond the scope of a neighbourhood plan.

5.6 The supporting text could also indicate that proposals of a strategic nature would not be considered to be *“at an appropriate scale to the size of the settlement.”*

PROPOSALS THAT WOULD HELP COMMUNITIES TO MEET THEIR LOCAL NEEDS

- 5.7 Paragraph 3.3.27, which forms part of the supporting text to Policy SUS2, raises concerns about the sustainability of a more dispersed pattern of development particularly in transport terms, but also recognises that rural communities may need some growth to meet their local needs.
- 5.8 SUS2 identifies that in rural areas development will be directed to settlements with DDBs, but also indicates that settlements with no DDB *“may also have some growth to meet their local needs.”*
- 5.9 The supporting text in paragraph 3.3.27 highlights the role of neighbourhood planning in enabling all rural communities to meet their local needs. It states *“a more enabling approach is proposed for rural communities – working with those that want to see development take place, to help identify suitable sites to meet their local needs. Using neighbourhood development plans and other planning tools, communities can allocate sites, introduce or extend a development boundary, or develop a criteria-based policy to allow development to take place, where they consider this is the right approach for them.”*
- 5.10 As part of the local plan review, the councils aim to put forward proposals to meet the strategic need for growth (and housing in particular) for the period to 2036. It is intended that the focus for meeting this need should be on the eight settlements in the top two tiers of the settlement hierarchy. If this can be achieved, a focus on meeting local needs in rural areas could be maintained and it may be appropriate for the supporting text to Policy SUS2 to indicate that proposals in rural areas that went beyond meeting local needs would not be considered to be *“at an appropriate scale to the size of the settlement.”*

PROPOSALS THAT WOULD CHANGE THE CHARACTER AND SETTING OF THE SETTLEMENT

- 5.11 Paragraph 17 of the NPPF indicates that a core principle is that planning should *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”*
- 5.12 Since ‘rural communities’ are seen as part of ‘the countryside’, proposals in rural areas that would harm the intrinsic character of a settlement or detract from the attractiveness of the undeveloped countryside that forms part of its setting would not accord with this core principle.

- 5.13 The core principle in national policy is concerned with planning *“recognising the intrinsic character and beauty of the countryside”*, which means that harm to the intrinsic character of a settlement or any impact on the attractiveness of the undeveloped countryside that forms part of its setting, should be taken into account even where the parts of the natural or built environment affected are not subject to specific policies in national or local policy to protect them (such as policies to protect Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest or Conservation Areas).
- 5.14 The supporting text to Policy ENV 10 of the local plan (paragraph 2.5.6) seeks to ensure that *“the design and layout of proposals should have regard to the landscape and townscape setting of the site and effectively integrate new development (including any servicing or infrastructure requirements) into its surroundings.”* The supporting text also provides more detail on the matters which should be taken into account in making a judgement about whether a proposal would cause harm to the landscape and townscape setting.
- 5.15 Policy ENV 10 can be applied generally to all development sites, including sites on the edge of settlements outside DDBs. A proposal that failed to meet the criteria of Policy ENV 10 because the adverse impact on the landscape and townscape setting of the relevant settlement was unacceptable, could be considered to be not *“at an appropriate scale to the size of the settlement.”*
- 5.16 Proposals detracting from the landscape and townscape setting of a settlement may also be contrary to Policy ENV1 – Landscape, Seascape and Sites of Geological Interest which aims to protect and enhance local landscape character.

PROPOSALS THAT COULD BE ACCOMMODATED BY, OR THAT COULD SUPPORT, LOCAL INFRASTRUCTURE

- 5.17 The supporting text to Policy SUS2 (paragraph 3.3.27) recognises that *“each village will be different in terms of its needs, opportunities and constraints”* and this very much applies to infrastructure. Some villages may have few facilities and find it difficult to cope with additional development, whereas others may have facilities that could be supported by an increase in population, which would help to maintain or enhance the vitality of rural communities.
- 5.18 Settlements that lack infrastructure, particularly those that lack community facilities (such as a school or a shop) or employment opportunities, are generally less sustainable as residents need to travel, usually by car, to meet their needs. In such settlements there may still be a need for housing to support local people, but introducing levels of development that do not meet local needs or provide employment opportunities and which exacerbate infrastructure problems could be considered to be not *“at an appropriate scale to the size of the settlement.”*

- 5.19 The 2007 Rural Functionality Study (CD/SUS5) showed that settlements with some community facilities are more sustainable, particularly in transport terms, because such facilities are often used to meet day-to-day needs, with some trips carried out on foot or by bicycle. The loss of these facilities would make such settlements less sustainable, so where there is evidence that they are under threat, further development could help to maintain or enhance sustainability. However, where the level of development proposed is more than required to support existing infrastructure and / or was likely to increase levels of out-commuting, it could give rise to concerns that the local plan's spatial approach would be undermined, especially if the capacity of the existing infrastructure was exceeded.
- 5.20 At a recent appeal for 98 dwellings relating to land off Ryme Road, Yetminster (Planning Inspectorate Reference: APP/F1230/W/16/3145484; Local Planning Authority Reference: WD/D/15/002655) the issue of whether development would be at *"an appropriate scale to the size of the settlement"* was considered. The appeal was dismissed and the decision is online here - <https://www.dorsetforyou.gov.uk/local-plan-review-evidence>.
- 5.21 In paragraph 100 of her decision letter, the inspector concluded that *"the proposal would not be of an appropriate scale and would conflict with policy SUS2 and the spatial strategy within the recently adopted Local Plan."*
- 5.22 Her particular concern was the likely increase in out-commuting as a result of the level of development proposed. In paragraph 98 of her decision letter, she stated *"due to the number of dwellings proposed and the absence of any commensurate increase in employment the proposal would be likely to lead to an increased reliance on the use of cars to access employment and a range of shops, services and facilities which are regarded as reasonably necessary to modern life."*
- 5.23 The supporting text to Policy SUS2 could explain that the implications of a proposal for local infrastructure (and sustainable travel patterns) would be a consideration to be taken into account when making a judgement on whether the scheme was *"at an appropriate scale to the size of the settlement."*

PROPOSALS THAT COULD HAVE CUMULATIVE IMPACTS

- 5.24 An individual development at a particular village may be considered to be at an appropriate scale to the size of the settlement. However, there may be concerns that a development in combination with other similar schemes, particularly schemes in the same village, may have a cumulative impact that is considered to be detrimental.
- 5.25 In the recent appeal decision relating to land at Ryme Road, Yetminster the inspector expressed concern about cumulative impacts. Two others schemes for housing had already been permitted in the village, which were: 15 affordable houses at Thornford Road on the northern edge of the village (App No. 1/D/13/000841 granted in February

2014) and 87 dwellings at Folly Farm (App. No. 16/0642 outline – including 30 affordable units - granted in September 2016). It was estimated that in combination the three schemes would increase the population of the village by approximately 36%.

- 5.26 In paragraph 97 of the decision letter the inspector stated that *“together with the Folly Farm development the appeal proposal is likely to give rise to a significant increase in the number of residents commuting out of the village to work.”*
- 5.27 The supporting text to Policy SUS2 could explain that the cumulative impacts of different schemes in a local area would be a consideration to be taken into account when making a judgement on whether a particular scheme was *“at an appropriate scale to the size of the settlement.”*

6. Conclusions

- 6.1 It is suggested that the factors discussed above are the main factors that the councils should have regard to when in determining whether development is *“at an appropriate scale to the size of the settlement.”* Views are sought on the appropriateness of these identified factors and whether any others should also be identified in the supporting text to Policy SUS2.

NEWLY DEFINED DEVELOPMENT BOUNDARIES IN NEIGHBOURHOOD PLANS

- 6.2 The box after paragraph 3.3.26 on page 70 of the local plan lists all settlements with DDBs. These form the third tier of the settlement hierarchy and are generally the larger settlements which have at least some community facilities and are considered to be potentially sustainable locations for growth.
- 6.3 Other, generally smaller settlements, which form the fourth tier of the settlement hierarchy and are considered to be less sustainable locations for growth, do not have DDBs. However, the supporting text to Policy SUS5 (paragraph 3.5.4) indicates that communities may define new DDBs around such settlements in neighbourhood plans.
- 6.4 At the time of writing, new DDBs have been established at Godmanstone, Loders and Uploders in neighbourhood plans. Further new DDBs may be identified as more neighbourhood plans are produced and these are also likely to be around settlements with small populations and few facilities.
- 6.5 Once a new DDB has been defined in a neighbourhood plan, the way in which Policy SUS2 is applied to it changes. Criterion ii) of Policy SUS2, which states that *“residential, employment and other development to meet the needs of the local area will normally be permitted”* applies once a new DDB has been defined in a neighbourhood plan. The application of this criterion to settlements where a new DDB has been defined in a neighbourhood plan is considered appropriate as it allows the local community to *“have some growth to meet their local needs”* through infill development. This is considered to be consistent with the overall approach of Policy SUS 2 in relation to settlements at the fourth tier of the settlement hierarchy.
- 6.6 The last bullet point of criterion i) of Policy SUS 2 indicates that *“development in rural areas will be directed to the settlements with defined development boundaries and will take place as an appropriate scale to the size of the settlement.”* Where a new DDB is defined around a settlement in a neighbourhood plan this criterion, which applies to settlements in the third tier of the hierarchy, is then automatically applied to a settlement which the local plan identifies as being in the fourth tier of the hierarchy.
- 6.7 The application of the last bullet point of criterion i) of Policy SUS 2 to settlements that the local plan places in the fourth tier of the hierarchy could potentially undermine the objective of directing the majority of development to larger, more sustainable

settlements. It could also potentially result in development beyond the level envisaged in a neighbourhood plan taking place in smaller, less sustainable settlements (for example, as a result of speculative proposals being put forward).

- 6.8 Whether a particular settlement should be moved to a different level of the spatial hierarchy is a strategic judgement that more properly should be made through the local plan review process.
- 6.9 Where a local community decides to establish an entirely new DDB around a settlement, it would, through the preparation of the relevant neighbourhood plan, also have the opportunity to allocate specific sites for development to meet local needs. Where a community has not chosen to allocate a significant amount of development in this way, it is reasonable to assume that it was not intended to move the settlement concerned to a different level of the settlement hierarchy.
- 6.10 In the event that a community had sought to allocate an amount of development which would be sufficient to merit the relevant settlement being moved to a different level in the settlement hierarchy, then the district or borough council would have been able to raise concerns about the strategic nature of the proposal through the neighbourhood plan process.
- 6.11 As currently worded, Policy SUS2 together with the provision in paragraph 3.5.4, has the unintended consequence of directing development in rural areas to any settlement where a new DDB has been defined through the local plan process. This has the unintended effect of treating the settlement concerned as if it were at a higher level in the settlement hierarchy.
- 6.12 This problem could be overcome if Policy SUS2 and its supporting text were amended to clarify that a different policy approach should be taken to settlements where an entirely new DDB has been introduced in a neighbourhood plan. For the avoidance of doubt, it is not proposed to alter Policy SUS2 and its supporting text in relation to DDBs that were originally identified in the local plan and subsequently amended in a neighbourhood plan.

THE SETTLEMENT HIERARCHY AND PORTLAND

- 6.13 The second bullet point of Policy SUS2 i) says “*elsewhere in the plan area, the market and coastal towns of ... Portland ... will be a focus for future development.*” This part of the policy identifies that ‘Portland’ falls within the second tier of the settlement hierarchy (after the ‘main towns’ of Dorchester and Weymouth) and indicates that it is a ‘market’ or ‘coastal’ town that will be a focus for future development.
- 6.14 The other settlements identified as ‘market and coastal towns’ in the second tier of the settlement hierarchy (Beaminster, Bridport, Lyme Regis, Sherborne) are all readily identifiable as towns. However, ‘Portland’ is not a town as such, but a collection of settlements that together support a range of services typically found in a town. This is

reflected in the wording of paragraph 8.1.1 (page 151) of the local plan, which states that the Isle of Portland *“has a unique coastal character with very distinct villages and settlements separated by wide open spaces, parts of which are marked by the presence of the quarrying industry.”*

- 6.15 These inconsistencies raise two key issues, which are:
- how should the settlement of (or settlements on) Portland be described in the local plan; and
 - how should Policy SUS2 i) be applied in relation to the settlement (or settlements)?
- 6.16 It is proposed to amend the wording in the local plan to provide some clarity on these issues.
- 6.17 As Portland is not a coastal town as such, it would be clearer if Policy SUS2 i) made reference to ‘the settlements on Portland’. However, this raises a further issue about how those settlements should be described.
- 6.18 The box after paragraph 3.3.26 on page 70 of the local plan lists *“settlements with defined development boundaries”* reflecting paragraph 8.1.1 of the local plan. The list includes a number of settlements on Portland, which are: Easton; Fortuneswell; Grove; Southwell; and Weston. This list is incomplete as there are a further three historic settlements on Portland (all within DDBs) which are not listed. These are: Castletown; Chiswell; and Wakeham.
- 6.19 The local plan policies map shows the DDBs around the settlements on the Isle of Portland and the way they have been drawn reflects the degree of coalescence that has occurred between the historic settlements.
- 6.20 A single DDB on Inset Map 29 includes Fortuneswell, Castletown (including much of Portland Port) and Chiswell at the southern end of Chesil Beach. Similarly a single DDB on Inset Map 29 includes Easton, Weston and Wakeham. Grove (on Inset Map 29) and Southwell (on Inset Map 30) have separate DDBs. Paragraph 3.3.26 on page 70 of the local plan confirms that *“defined development boundaries have been carried forward from previously adopted local plan, defining the areas within which development will generally be accepted.”*
- 6.21 Describing the settlements in the box after paragraph 3.3.26 on page 70 of the local plan could be approached in two different ways:
- Firstly, by listing the historic settlements; or
 - Secondly, by listing the settlements according to how the DDBs have been drawn on the policies map.
- 6.22 The first approach would see the settlements on Portland listed as:
- Castletown;

- Chiswell;
- Easton;
- Fortuneswell;
- Grove;
- Southwell;
- Wakeham; and
- Weston.

6.23 The second approach would see the settlements on Portland listed as:

- Castletown / Chiswell / Fortuneswell;
- Easton / Weston / Wakeham;
- Grove;
- Southwell.

6.24 During the preparation of the Initial Issues and Option Consultation Document concerns were raised by local councillors about the second approach. They were concerned that this approach did not reflect the way in which the identities of the settlements on Portland were perceived locally. Members were also concerned that this approach could be misleading, as it may give the (false) impression that it was proposed to ‘merge’ certain settlements on the ground.

6.25 In the light of these concerns views are sought (in Question 6-viii) on whether the settlements should be listed in the box after paragraph 3.3.26 on page 70 of the local plan as set out under the first approach described above.

6.26 Since Portland is not a town as such, it is not clear how the second bullet point of Policy SUS2 i) (which says *“elsewhere in the plan area, the market and coastal towns of ... Portland ... will be a focus for future development”*) should be applied. Portland has a town council and its jurisdiction extends to the whole of the Isle of Portland and includes a small section of Chesil Beach. Under the current wording, it could be construed that the whole of the Isle of Portland or the area under the jurisdiction of the Town Council should be the *“focus for future development”*.

6.27 Making reference to the ‘settlements on Portland’ rather referring to the ‘market’ or ‘coastal town’ of Portland in Policy SUS2 i) will make it clear that the existing built-up areas within DDBs on Portland, rather than the whole of the island, would fall within the second tier of the settlement hierarchy (after the ‘main towns’ of Dorchester and Weymouth) and be the *“focus for future development”*.

6.28 The proposed changes to the box after paragraph 3.3.26 on page 70 of the local plan would also clarify that the ‘settlements on Portland’ means the areas of: Castletown; Chiswell; Easton; Fortuneswell; Grove; Southwell; Wakeham; and Weston, within the DDBs as shown on the policies map.

7. Issues & Options Consultation

- 7.1 The councils are looking again at the development options at Dorchester and Sherborne as part of the Initial Issues and Options Consultation and these matters are discussed in more detail in separate background papers for each town.
- 7.2 Notwithstanding these issues, the local plan inspector supported the spatial strategy in principle and it is not intended to fundamentally change the overall spatial approach through the review. However, recent changes in circumstances and experience of applying Policy SUS2 in particular, have generated a number of issues indicating that the current approach may benefit from some re-examination.
- 7.3 The discussion of these issues in this paper has led to eight questions being asked in the Issues and Options Consultation document, which are set out below.

Questions

6-i. Do you agree that the vast majority of the additional growth proposed for the period up to 2036 should be accommodated at Dorchester, Weymouth (including Chickerell and Littlemoor), Beaminster, Bridport, Lyme Regis, Portland, Sherborne and Crossways?

6ii. If the local plan review is to consider identifying sites for growth at other settlements, should opportunities be considered:

at settlements with populations of more than 1,000; or
at settlements with populations of more than 600; or
at any settlement with a defined development boundary?

6iii. Should Policy SUS2 continue to strictly control development outside defined development boundaries, having particular regard to the need for the protection of the countryside and environmental constraints?

6-iv. Should the supporting text to Policy SUS2 be amended to clarify the other matters that need to be taken into account when applying the policy to market housing developments outside DDBs, most notably:
national planning policy;
Policy INT₁: Presumption in Favour of Sustainable Development;
and

the Councils' housing land supply position?

6-v. Should the following factors be taken into account when determining whether a development proposal in rural areas is “at an appropriate scale to the size of the settlement”?

- whether the proposals are of a strategic nature;
- whether the proposals would help communities to meet their local needs;
- whether the proposals would change the character and setting of the settlement;
- whether local infrastructure, including any necessary improvements, could accommodate or be supported by the proposed development;
- cumulative impacts?

6-vi. Should different policy approaches apply to settlements with DDBs identified in the local plan and settlements with new DDBs identified through neighbourhood plans?

6-vii. Should Policy SUS2 refer to “the settlements on Portland”, rather than the “coastal and market town” of Portland, as being a focus for growth ?

6-viii. Should the settlements on Portland be listed in the supporting text as:

- Castletown;
- Chiswell;
- Easton;
- Fortuneswell;
- Grove;
- Southwell
- Wakeham; and
- Weston?