

**CHELVESTON-CUM-CALDECOTT
NEIGHBOURHOOD DEVELOPMENT**

PLAN 2016-2031

**OBJECTION TO POLICY LGS19
& FAILURE TO INCLUDE A SETTLEMENT
BOUNDARY AT CALDECOTT ROAD
ON BEHALF OF Mr P MOMMERSTEEG**

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MAY 2016

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1. INTRODUCTION

- 1.1 Chelveston-cum-Caldecott Parish Council are preparing a Neighbourhood Plan (NP) for the Parish and the 'submission' version was submitted to East Northamptonshire Council on 16 March 2016 prior to formal examination. These objections are submitted under Regulation 16 of the Neighbourhood and Planning (General) Regulations 2012.
- 1.2 These objections are made on behalf of Mr P Mommersteeg of Church House, Caldecott, NN9 6AT, and seek :
- a) the deletion of land to the west of Church House, Caldecott as Local Green Space (LGS19); and
 - b) the inclusion of the buildings, and their curtilages, situated on the western side of Caldecott Lane north of Bidwell Lane within a settlement boundary.

The objections relate to land shown edged blue (objection a) and red (objection b) overleaf.

- 1.3 Mr Mommersteeg has been a resident of the parish for many years and he welcomes the preparation of the Neighbourhood Plan which will guide development across the parish to 2031. He has commented on earlier versions of the NP and these submissions are referred to later. Objections are raised to the submission version of the NP regarding the designation of the land within his ownership to the west of Church House as Local Green Space (LGS) under LGS19 and also to the absence of a settlement boundary for the existing development situated on the western side of Caldecott Lane.
- 1.4 Insofar as the LGS19 designation is concerned, this land should not be designated as LGS because it is not of particular importance to the local community, does not require special protection, and does not meet the criteria set out in the Framework for designation as LGS. Furthermore the designation of this land is arbitrary and irrational.
- 1.5 Two parts of the existing settlement at Caldecott are defined by settlement boundaries in the emerging Neighbourhood Plan and figure 5.3 at page 33 refers. The Duchy Farm Barns redevelopment is included within a settlement boundary together with a pair of semi-detached houses to the west and a 20th century farm building and

agricultural land on either side to the north. Manor Farm and Poplar Farm comprise extensive ranges of buildings but are not included in the settlement boundary, nor is the development on the western side of Caldecott Road including Church House and the buildings to the north. Whilst there may be an argument not to include farmsteads within settlement boundaries there is no justification for excluding the development on the western side of Caldecott Road. In view of the extent of development on the western side of Caldecott Road this should be included within a settlement boundary.

- 1.5 These objections have been prepared following a walkover of the site and its surroundings, an assessment of the immediate and wider landscape context as viewed from both within the site, adjacent land, and public rights of way. Consideration has been given to policies in the North Northamptonshire Core Strategy (2009), the East Northamptonshire Local Plan 1996 as well as national and other guidance.
- 1.6 During the consultation on the second version of the NP an objection was made to the designation of Mr Mommersteeg's land as LGS19 but a compromise suggestion was also put forward, namely that the northern part of the land only be designated as LGS. A copy of the submission appears at pages 1 to 4 of the Appendices. The suggested compromise involved designating only that land north of the red line on page 4 as LGS.
- 1.7 In the succeeding sections the evolution of the LGS designations in the Neighbourhood Plan is considered (section 2); the evolution of the housing/settlement boundaries is considered (section 3); national and local guidance relating to the designation of LGS and settlement boundaries is considered (section 4); the detailed objections to the LGS designation are set out (section 5); and the objection in respect of the absence of a settlement boundary to the west of Caldecott Road is dealt with at section 6.

2. EVOLUTION OF THE LGS DESIGNATIONS IN THE NEIGHBOURHOOD PLAN

2.1 The Submission Version of the NP is the fourth version of the plan. Version 1 was published in August 2014; Version 2 in January 2015; Version 3 in January 2016 and Version 4 in March 2016.

2.2 At page 5 of the Appendices is figure 5.3 from Version 1 of the NP. It shows the LGSs in green which includes :

- LGS5, land to the west of the Old Vicarage and west of the western boundary of the churchyard;
- LGS8, an L shaped parcel of land located to the west and south of Church House and its garden;
- LGS9 the southern end of the paddock of which LGS8 forms a part together with the highway verge to the east and south of that land; and
- LGS11, land between Manor Farm and Popular Farm.

2.3 Pages 67 to 72 of Version 1 of the NP deals with the LGS designations and sets out the policy objective :

"To protect those Local Green Spaces of the parish which are most important to the street scene or have amenity value in the parish".

2.4 The objective simply refers to spaces which have "amenity value in the Parish". This does not accord with the advice in the Framework that such green areas have to be "demonstrably special to a local community". The Framework pre-dated Version 1 of the NP by over two years.

2.5 The overall policy justification for LGS policy is set out at page 67 of Version 1 of the plan which states :

"The NPPF (paragraph 73 to 77) provides for the designation of small tracts of land as Local Green Space to support the overall health and well-being of communities. The parish of Chelveston-cum-Caldecott has historically been poorly served by amenities with few opportunities for residents to enjoy an outdoor life within the parish. Parish Appraisals since 1994 have all identified the importance of circular walking routes for residents. However until 2008, only one route was realistically available and this was based mainly on roads or footways.

Parish Appraisals have also identified the need for a play area and a playing field in the parish, and more generally for facilities to engage and support young people. The decommissioning of the Chelveston Airfield transformed the outdoor life of the village by bringing a number of historical footpaths and bridleways back into use. An extensive rights of way network has now been created. This has encouraged many residents to walk regularly throughout the parish, and to explore further on foot into Stanwick Lakes, Irthlingborough Lakes, and into Bedfordshire. This in turn has promoted stronger connections and integration between residents in the three settlements as they meet on their walks. This has had a knock-on effect in other areas of community involvement, with residents meeting in the pub and through shared use of the allotments. In the consultation with residents, many comments related to the rural character of the village and the need to protect key views, routes and amenities. A designation of Local Green Spaces achieves this”.

- 2.6 Insofar as LGS5 (and also LGS6 and LGS7) are concerned, the justification for including these sites is set out at page 69 as follows :

“The paddock behind the Old Vicarage (LGS5 and LGS6) is subject to a restrictive covenant from the Church Commissioners which prevents residential development, given that the paddock is adjacent to the ancient churchyard (LGS7). The designation of the paddock as Local Green Spaces LGS5 and LGS6 strengthens the protection of this site and recognises its importance in situating the listed church building and churchyard in a rural landscape. This paddock is clearly visible when approaching the church from the road. The western end of the site (LGS5) is allocated for the future expansion of the churchyard if required (policy CEM)”.

- 2.7 The rationale behind the designation appears to be to prevent any development rather than for any ‘demonstrably special’ nature the land might have to the local community.

- 2.8 Turning to LGS8, the justification for this was stated to be:

“The paddock behind Church House is immediately adjacent to the churchyard facing the main church door. The paddock is crossed by a right of way historically used to access the church from Caldecott. Like LGS5 and LGS6, the paddock situates the church in a rural landscape.

The view, shown right, is taken from the churchyard towards the paddock”.

- 2.9 The justification for policy LGS9 was stated to be :

“The paddock on the corner of Bidwell Lane, opposite the listed Manor Farm, provides excellent views of the church from Bidwell Lane across the paddock LGS8, and provides a gradual transition from open countryside to the Duchy Farm settlement at the other end of Bidwell Lane. Parts of field behind and adjacent to Church House were originally proposed as ‘aspirational development sites’ during the consultation process. These proposals were rejected outright by Caldecott residents, and failed to achieve widespread support from the parish as a whole. The comments received during the consultation demonstrated the important visual amenity value of these fields. This has now been reflected in the designation of LGS8 and LGS9”

- 2.10 In fact due to the mature hedgerows along the eastern boundary of LGS9 the only views over this land towards the church are from the footpath which crosses the land.

- 2.11 The justification for policy LGS11 (between Manor Farm and Poplar Farm) was stated to be :

“The paddock behind the restored Old Smithy at Bidwell Lane Corner is an important green area separating the Poplar Farm and Manor Farm sites. This Green Space contributes strongly to the street scene as the most visible feature when driving down Caldecott Road, towards the Caldecott settlement. The site has been used for the grazing of horses for many years and is well suited to this use”.

- 2.12 Representations were made in September 2014 objecting in respect of the LGS 8 and 9 policies in Version 1 by Wilbraham Associates Ltd. The basis for those objections were set out in the submission and a copy appears at pages 6-20 of the Appendices.

- 2.13 The Basic Conditions Statement for Version 1 of the NP (published in August 2014) advises (at page 17) that LGS had been “*designated on open land which contributes to the retention of the existing form of settlements. Land surrounding the church has been designated to conserve the setting of the Grade II* listed building in LGS 5/6/7/8*”.

- 2.14 An extract from Version 2 of the NP appears at page 21 of the Appendices. Insofar as the changes to the LGS designations in this part of Caldecott are concerned, these comprised :

- a) *the deletion of LGS5;*
- b) *the deletion of LGS8 and 9 and their replacement with LGS19 which excluded the western most parts of LGS8 and LGS9 together with the highway verge to the east and south;*
and
- c) *the deletion of LGS11.*

- 2.15 The policy objective for policy LGS in Version 2 was amended to include the words (in bold) below :

*"To protect those Local Green Spaces of the parish which are most important to the street scene, **the setting of listed buildings**, or have amenity value in the parish".*

- 2.17 Meeting notes indicate that the LGS5 designation was removed as a cemetery extension was not required during the plan period. LGS 11 was removed as this was too extensive a parcel of land to meet the requirements for inclusion.

- 2.18 The justification for the new designation LGS19 (replacing parts of LGS8 and 9 in Version 1) was stated to be :

"The paddock behind Church House is immediately adjacent to the churchyard facing the main church door. The paddock is crossed by a right of way historically used to access the church from Caldecott. Like LGS6, this paddock situates the church in a rural landscape with no modern dwellings or modern gardens visible from its precincts. The view shown top right is taken from the churchyard into the paddock in question towards Bidwell Lane.

The paddock extends down to Bidwell Lane, opposite the listed Manor Farm and provides excellent views of the church from Bidwell Lane. The view shown bottom left is taken of the church from Bidwell Lane. Part of the field adjacent to Church House were originally proposed as aspirational development sites during the consultation process. These proposals were rejected outright by 63% of Caldecott residents, and failed to achieve widespread support from the parish as a whole. The comments received during the consultation demonstrated the important

visual amenity value of this paddock, particularly as seen from Bidwell Lane.

Policy 2C of the Draft North Northamptonshire Strategy [Reference 45] states :

Proposals should protect and, where possible, enhance key views and vistas of heritage assets.....

Development in this paddock would certainly not protect or enhance the views of, or from, the church.

Policy 11 (2B) of the Draft North Northamptonshire Strategy states :

Neighbourhood Plans may identify sites within or adjoining villages to help meet locally identified needs or may designate sensitive areas where infill development will be resisted or subject to special control. Two other sites have been identified in Caldecott for an additional 7 dwellings to be developed over the next five years. These proposed sites enjoyed wide support within Caldecott and from the parish as a whole. Together with the four permissions recently granted, this represents a 55% increase in housing stock. There is no evidence of any need for additional housing in excess of this allocation.

There is however support for strengthening the protection of the paddock adjacent to the church to assure its long term rural setting. It is a sensitive setting and infill development will be resisted as provided for by Policy 11 (2B) of the Emerging North Northamptonshire Strategy. This has now been reflected in the designation of the paddock as LGS19 affording long term protection to these views of a 13th century church in a unique pastoral setting”.

- 2.19 The record of voting on the Call for Sites housing sites did not reveal widespread support for the other site allocations at Caldecott. This is dealt with at section 2 of the objection of September 2014. The Caldecott Road site received 46.8% support and conditional support whilst Bidwell Lane received 49.4% support. Also, with reference to these sites, there were few comments which related to ‘views of the Church from Bidwell Lane’.
- 2.20 The changes incorporated into Consultation Version 4.0 following consultation on Versions 1.0, 2.0 and 3.0 states at page 3 that :

"Policy LGS5 has been removed reflecting the removal of Policy CEM.

Policy LGS8/9 have been removed following representations from the landowner and changes to the field boundary configuration. Policy LGS19 has been added to provide protection for the views of the church from Bidwell Lane and the church door. The landowner has offered to provide a 25 m 'visibility' zone along Bidwell Lane to offer long term protection for views of the church. However, there is no formal mechanism in law for enacting this and indeed the LGS provisions in the Neighbourhood Planning regulations provide the only means for achieving this".

- 2.21 The current submission Version of the NP retains the same LGS designations as in Version 2 of the NP.

3. THE HOUSING POLICIES IN THE NP

- 3.1 Paragraph 5.1 of Version 1 of the NDP deals with housing development policies and states :

"During the consultation process, residents raised a range of issues relating to housing development. The policies proposed in the plan take these into account. Key issues raised were :

- Three separate settlements should be maintained and growth should be infill where possible rather than expanding the settlement boundaries;*
- Development should be phased to allow new residents to be integrated effectively into the community;*
- Provision should be made for smaller houses for younger people and for elderly residents wishing to downsize;*
- Developments should not detract from the street scenes which define the form and character of the settlements in the parish;*
- Developments should not make the problem of street parking worse.*

The policies and sub-policies shown in Table 5.1 deliver these objectives.

- 3.2 Table 5.1 then sets out six policies, policy H1 being restricted infill development within clearly defined settlement boundaries. Three settlement boundaries being identified, Chelston Rise (policy H1A); Caldecott (policy H1B) and Chelveston (policy H1C)".
- 3.3 The policy justification for policy H1 states that :

"From the comments made during the consultation on aspirational development sites, it is clear that residents value the fact that Chelveston-cum-Caldecott comprises three distinct settlements. Each has a different history, character and lifestyle, but they are linked by shared amenities (the church, the pub and the village hall) and a common Parish Council. Residents were clear that the settlements should not merged and that their individual, distinct characters should be maintained as they develop. Distinct areas of separation will therefore be maintained between the settlements and other designated areas of the parish. The defined settlement boundaries reflect some of

the natural landscape features, and are an evolution of the boundaries used in all Local Plans since 1980”.

- 3.4 Although reference is made in the justification to the boundaries used in all Local Plans since 1980, the East Northamptonshire District Local Plan of 1996 (which covered the period to 2006) did not define settlement boundaries on the Proposals Maps.
- 3.5 The North Northamptonshire Core Strategy adopted in June 2008 set out the spatial strategy for North Northamptonshire but did not include any settlement boundaries for any of the settlements in North Northamptonshire.
- 3.6 Section 4 of the NP, Portrait of the Parish, states that : -
- “the Parish is a semi-rural setting with three distinct characters. Chelveston (altitude 61m) has 154 properties (January 2014 baseline) positioned at the low point of the surrounding landscape. Caldecott (altitude 71m) has 21 properties 0.5 km from Chelveston. Chelston Rise (altitude 88m) has 50 properties 1.0 km from Caldecott. The highest point in the Parish is the plateau on which an old airfield, RAF Chelveston, was situated at an altitude of 90m. This area is now partially occupied by a series of renewable energy installations”.*
- 3.7 Settlement boundaries have been defined in the NP for Chelveston, Chelston Rise and two parts of Caldecott, one at the western end of Bidwell Lane and the other south-east of Poplar Farm. The existing development west of Caldecott Road centred on the Old Vicarage and the church has been excluded but no explanation is given in the NP for this. The area is as large as, or larger than, the other two areas of Caldecott which are included within settlement boundaries.

4. NATIONAL AND LOCAL GUIDANCE RE LGS DESIGNATIONS

- 4.1 The Framework advises that local communities, through Local and Neighbourhood Plans, should be able to identify for special protection green areas of particular importance to them. By designating land as LGS local communities will be able to rule out new development other than in very special circumstances. Identifying land as LGS should therefore be consistent with the local planning of sustainable development and compliment investment in sufficient homes, jobs and other essential services. LGS should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period (paragraph 76).
- 4.2 The Framework goes on to advise (at paragraph 77) that LGS designation will not be appropriate for most green areas or open space. The designation should only be used :
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.*
- 4.3 The Framework is supported by Planning Practice Guidance and ID: 37-013-20140306 asks "*What types of green area can be identified as local green space?*" It advises that the green area will need to meet the criteria set out in paragraph 77 of the Framework and whether to designate land is a matter for local discretion. For example green areas could include land where sports pavilions, boating lakes or structures such as War Memorials are located, allotments, or urban spaces that provide a tranquil oasis.
- 4.4 The Open Spaces Society have published guidance on LGS designations and their information sheet no. C20 refers. A copy appears at pages 22 to 24 of the Appendices. The information sheet refers to guidance in the Framework and then provides guidance in terms of the LGS criteria contained in the bullet points at paragraph 77

(and stated above). Insofar as the second and third of these bullet points are concerned, it states :

2. Demonstrably special to a local community.

Evidence must be provided of the land's value to and use by the local community to show the land holds a particular local significance. The land must fulfil one or more of the following criteria :

- a) Beauty. This relates to the visual attractiveness of the site, and its contribution to landscape, character and/or setting of the settlement. LGS would need to contribute to local identity, character of the area and a sense of place, and make an important contribution to the physical form and layout of the settlement. It may link up with other open spaces and allow views through or beyond the settlement which are valued locally.*
- b) Historic Significance. The land should provide a setting for, and allow views of, heritage assets or other local valued landmarks. It may be necessary to search historic records from the County Archaeologist or National or Local Records Office.*
- c) Recreational Value. It must have local significance for recreation, perhaps through the variety of activities it supports, and be of value to the community.*
- d) Tranquillity. Some authorities have an existing 'tranquillity map' showing areas that provide an oasis of calm and space for quiet reflection.*
- e) Richness of Wildlife. This might include the value of its habitat, and priority areas may have been identified by the Council. It may require some objective evidence, such as a designation, like a wildlife site or local nature reserve.*

3. Local in character, not an extensive tract of land.

The criteria may differ between settlements depending on their physical size and population. The areas would normally be fairly self-contained with clearly defined edges. Blanket designation of open countryside adjacent to settlements will not be appropriate. There is no minimum size limit for LGS.

4. Land already designated.

If land is already protected by Green Belt policy or, in London, policy on Metropolitan Open Land, consideration should be given to whether any additional benefit would be gained. This may be in a case where LGS designation could help to identify areas that are of particular importance to the local community.

- 4.5 In the East Northamptonshire District Local Plan of 1996 policy EN20 dealt with important open land within towns and villages. It remains a 'saved' policy and states :

"Planning permission will not be granted for development which adversely affects open land of particular significance to the form and character of a town or village, as identified by one or more of the following criteria :

- 1) The land contributes to the retention of the existing form and character of a particular settlement;*
- 2) The land provides an important open area within a settlement which separates distinct groups of buildings or parts of the settlement;*
- 3) The land contributes to the setting of a listed building, a building of townscape quality, Ancient Monument or landscape feature, or contributes to the character of a Conservation Area;*
- 4) The land allows views into the settlement from approach roads or open countryside, views into the countryside from within the settlement, and/or views across different parts of the settlement.*

- 4.6 Paragraph 3.73 of the plan states :

"The Proposals Map illustrates the sites which are considered to be important open land and to which the above policy will apply".

- 4.7 Insofar as Caldecott and Chelveston are concerned, the only land subject to policy EN20 comprised a small piece of land to the east of Poplar Farmhouse at Caldecott and a triangular parcel of land located on the north-western side of the junction of Water Lane and High Street

at Chelveston. Extracts of the plan appear at pages 25-30 of the Appendices.

- 4.7 Consideration has been given to Examiner's reports following the examination of other NPs. In respect of the Backwell NP (near Bristol) the plan sought to identify two areas of LGS, Farleigh Fields and Moor Lane Fields. Objections were raised to the designation of this land as LGS and an extract from the Examiner's report appears at pages 31-33 of the Appendices.

- 4.8 The Examiner made a number of conclusions which apply equally to other areas proposed as LGS as follows :

"LGS is a restrictive and significant policy designation. The Framework requires the managing of development within LGS to be consistent with policy for Green Belts. Effectively, LGSs once designated, provide protection that is comparable to that for Green Belt land.

The Framework is explicit in stating that the LGS designation will not be appropriate for most Green Areas for open space. (para. 77).

Taking all of the above into account, it is essential that, when allocating LGS, plan makers can clearly demonstrate that the requirements for its allocation are met in full. These requirements are that the Green Space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land".

- 4.9 He then went on to consider the extent of the two parcels of land proposed as LGS which extended to 19 and 32 ha respectively. He concluded that both of these were extensive tracts of land and therefore did not accord with the advice re LGS in the Framework.

- 4.10 He then continued :

"Given that the Framework is not ambiguous in stating that a LGS designation is not appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements. Specific to demonstrating that Farleigh Fields and Moor Lane Fields are not

extensive tracts of land, no substantive or compelling evidence has been presented.

A wide variety of arguments were put forward, both in favour of and in objection to the LGS allocation. Whilst I acknowledge these, I find that the direct conflict with national policy, above, means that the LGS policy does not meet the basic condition. Furthermore in this regard, I am mindful that nowhere does national policy suggest that a failure to meet policy requirements should be balanced against other considerations when designating LGS. Plainly the fact that there may be other benefits arising from a LGS designation does not mitigate against, or overcome a failure to meet, a policy requirement.

Notwithstanding the above and my decision below, I do recognise that an enormous amount of work has gone into considering Farleigh Fields and Moor Lane Fields. It is clear from the evidence provided that both areas include attractive, sensitive and well loved areas of land and there is no doubt in my mind that there are parts of both areas that have been demonstrated to be special to a local community, for a variety of reasons. In seeking to designate LGS, the NP was responding to local support – evidenced through a robust consultation process – for the protection of Green Areas and open space, regarded as special. Whilst individually, or together, these factors do not overcome the failure to meet a specific policy requirement, they are nevertheless important local considerations that have emerged through the NP process.

My recommendation below does not mean that the areas for which LGS designations were sought will automatically become available for development. National and local planning policy protects the countryside from inappropriate development. As pointed out by North Somerset Council, this Examination only considers the merits of Farleigh Fields and Moor Lane Fields as LGSs – not as potential housing sites”.

He then recommended the deletion of these two LGSs.

5. THE OBJECTION IN RESPECT OF LGS19

- 5.1 As the Examiner's report into the Backwell NP makes clear, LGS is a restrictive and significant policy designation. Effectively LGSs, once designated, provide protection that is comparable to that for Green Belt land. Accordingly it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements (my emphasis).
- 5.2 Insofar as the evolution of the LGS policy in the Chelveston-cum-Caldecott NP is concerned, the designation of land north and south of the church was included in Version 1 following a 'Call for Sites' for future residential development in the village. Land to the south of Church House and on the north side of Bidwell Lane opposite Manor Farm was put forward as being suitable for residential development. These sites did not obtain a clear majority of full support in the subsequent voting within the Parish (46.8% of voters expressed support or conditional support with 48.9% against compared with the Bidwell Lane site which had 49.4% in support or conditional support and 46.3% against that development). As such the sites were not included for housing in Version 1 of the NP.
- 5.3 The subsequent designation of the land south of the church extending out to Bidwell Lane (as LGS8 and 9) was an attempt to prevent residential development on this land as proposed under the 'Call for Sites'. The designation of land to the north-west of the church under LGS5 was purely intended to support the allocation of that land as an extension to the cemetery as and when this was required.
- 5.4 In the Second Version of the NP the land to the south of the garden to Church House and forming the eastern extent of the earlier designations LGS8 and 9 was deleted, as was LGS5 and LGS11. The justification for inclusion of LGS8 and 9 is the same as the justification for inclusion of LGS19 in the current plan. This is despite the fact that a considerable part of that land has been removed from the designation.
- 5.5 At the various stages of consultation on the NP the local community has never been asked what areas of open land are considered to be of 'special value'. The LGS designations have been made by the working party and Parish Council without seeking the views of parishioners.

- 5.6 The only evidence provided with the submission NP to explain the basis for inclusion of land under LGS19 is that the paddock forms part of the rural setting of the church and that there are views towards the church door from Bidwell Lane (detailed at para 2.18 above). This is not sufficient to meet the test in the Framework that this is 'demonstrably special' to the local community.
- 5.7 Given that the Examiner in the Backwell NP stated "*that it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements*" the failure to provide such evidence is a significant and fundamental failing in this NP.
- 5.8 Insofar as the advice in the Framework is concerned, paragraph 77 sets out three bullet points which all proposed LGS designations need to comply with. I consider these below.

- *Where the Green Space is in reasonably close proximity to the community it serves.*

The community for the purposes of the NP comprises Chelveston and Caldecott including Chelston Rise. The LGS19 land is a minimum of 0.5 m from Chelveston (and on the opposite side of the busy B645 road) whilst Chelston Rise is 1 km away. Whilst the land is close to the three areas of residential development at Caldecott it is not in 'reasonably' close proximity to Chelveston or Chelston Rise.

The Open Spaces Society Information Sheet no. C20 advises that some Councils have policies related to LGS and have introduced a maximum distance between the space and community. Leicester for example has stated it must be within 400 m, Central Bedfordshire within 600 m. Chelston Rise is outside both those distances, all of Chelveston is outside the 400 m distance and much of it is beyond the 600 m distance.

- 5.9 The second bullet point requires :
- *Where the Green Area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.*

Insofar as the 'beauty' of the site is concerned, the report prepared by My Iain Reid assesses the value of the site in landscape terms, both in a very localised context and also in a wider context. He concludes that the LGS19 land is no different in terms of its attractiveness to a number of other areas nearby which are not designated LGS.

Turning to historic significance, the NP suggests that the LGS19 land situates the church in a rural landscape with no modern dwellings or modern gardens visible from its precincts and that it provides excellent views of the church from Bidwell Lane. Views from Bidwell Lane are interrupted due to the trees on the northern side of the lane. A hedge which was reinstated along the southern edge of the field boundary in 2015 and as this matures views towards the church from Bidwell Lane will be significantly reduced. Hedge and tree planting has also taken place across the central part of the land last year and this will also, in due course, reduce any views from Bidwell Lane as the planting matures. The Examiner will observe these features at the site inspection.

If the purpose of the designation is to '*safeguard the setting of the church in a pastoral landscape*' then one would have expected the whole of the paddock to the west and south-west of the church, including the former LGS5 land, would have been included as part of the LGS designation. All of this land has a similar character to the land designated as LGS19 and there are a further two footpaths across the paddock to the west and south-west of the church. If views of the church from Bidwell Lane are important it is inconceivable that views from the two footpaths to the west and south-west of the church are not of equal significance particularly given that they are closer to the church than Bidwell Lane. The fact that this other land has not been included demonstrates that the LGS19 designation is to prevent development rather than because of its special value to the community.

The church is a Grade II* listed building and the Listed Buildings and Conservation Areas Act requires special attention to be given to the setting of listed buildings when considering any development proposals. As such there is already a mechanism in place to ensure that any proposed development would not adversely affect the setting of the church. Historic England would be a consultee due to the grading of the church. Accordingly we consider that not only is the designation inappropriate in terms of consideration under historic significance but it is unnecessary given the provision of the Buildings

and Conservation Areas Act. Furthermore the NP prevents development outside settlement boundaries. Even if our other objection to inclusion of the land west of Caldecott Road within the settlement boundary is upheld this would not allow residential development on any of the LGS19 land.

The LGS19 land has no value for recreational purposes. There is a public footpath which crosses the land but there is no public access to the remainder of the land. It has never been used for any community based events.

The LGS19 land is no more tranquil than much of the other land nearby and does not provide an oasis of calm in an otherwise bustling area.

The land has been used as a paddock for many years and is not of particular importance to wildlife. It is not designated as a Conservation Area, Local Wildlife Site etc.

- 5.10 Turning to the third bullet point at paragraph 77 of the Framework, this required the LGS to be local in character, not an extensive tract of land. The advice in the Open Spaces Information Sheet advises that this would normally be fairly self-contained with clearly defined edges.

The land designated as LGS19 forms part of a larger paddock extending to the east to Caldecott Road (south of the Church House garden) and to the west and south-west of the church. There is no fence, hedge or other boundary between the land designated as LGS19 and the western part of the paddock of which the site forms a part. The LGS19 area is not self-contained and does not have clearly defined edges on all sides.

- 5.11 LGS designations are required to endure beyond of the plan period. As the planting in the central part, and along the southern boundary, of the LGS 19 land matures there will be no views from the church of Bidwell Lane and vice versa. The designation does not therefore meet the requirement that such designations endure beyond the plan period.

- 5.12 For the above reasons the proposed designation does not accord with the advice in the Framework, the guidance in the Open Spaces Society Information Sheet C20, nor with the conclusions of the Examiner in respect of the Backwell NP.

5.13 The NP has to conform to strategic policies in the in local development plans. Under 'saved' Local Plan policy EN20 no part of LGS19 is designated as important open land which is of particular significance to the form and character of the village. As such it does not meet with the four criteria set out in policy EN20, namely :

- it does not contribute to the retention of the existing form and character of Caldecott;
- does not provide an important open area within a settlement which separates distinct groups of buildings or parts of the settlement;
- does not contribute to the setting of a listed building, a building of townscape quality, Ancient Monument or landscape feature, not does it contribute to the Character of the Conservation Area; and
- the land does not allow views into the settlement from approach roads or open countryside, views into the countryside from within the settlement and/or views across different parts of the settlement.

5.14 As indicated above the deletion of the policy LGS19 designation will not automatically bring part or all of the land forward for development. Policy H1 precludes housing development on land outside or adjacent to the defined settlement boundaries. Once the NP has been made it will become part of the development plan and have full development plan status. The real intention behind the designation, to prevent any development of the land, will be provided for under policy H1 without the need to designate the land as LGS.

5.15 Notwithstanding the above objections Mr Mommersteeg would be prepared to accept the designation of the northern part of the land as LGS as a compromise. This is supported by Mr G Harwood the Parish Councillor in his email of 6 February 2016 to the Parish Council which appears at appendix 1 of the appendices.

6. THE OBJECTION IN RESPECT OF THE SETTLEMENT BOUNDARY WEST OF CALDECOTT ROAD

- 6.1 The development to the west of Caldecott Road is long standing and relatively extensive. It provides an urban character to this part of the street by virtue of the number and size of buildings as well as the extent of frontage development and is an important part of the character of the settlement of Caldecott.
- 6.2 All of the built up parts of the three settlements, save for the objection land, has been defined with a settlement boundary. No explanation has been given as to why this area has not been defined by a settlement boundary. It is illogical not to include it within a settlement boundary when it contains all the requisites for inclusion.
- 6.3 Simply because a settlement boundary is defined on a plan does not mean that unrestricted development can take place there. Any proposals would also be subject to the requirements of policy H4h. Drawing the boundary around the buildings and excluding long rear gardens (as has been done at Chelveston) would preclude backland development.

L Wilbraham

May 2016