

# Brigstock Neighbourhood Development Plan 2011-2031

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## Initial Comments of the Independent Examiner

**Prepared by**

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**John Slater Planning Ltd**

**6<sup>th</sup> August 2018**

**Answers prepared by representatives of East Northamptonshire  
Council**

**Submitted: 29<sup>th</sup> August 2018**

## Introduction

- 1) As you will be aware, I have been appointed to carry out the examination of the Brigstock Neighbourhood Development Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I have visited the village and the surrounding countryside to familiarise myself with the plan area. I have also look at the site assessment material on the evidence base.
- 2) My initial view is that I should be able to deal with the examination of this Plan by the consideration of the written material only, although I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination.
- 3) There is one issue that I am seeking the views of the Qualifying Body, Brigstock Parish Council, as well as the landowners and the LPA.
- 4) The issue has been prompted by the Regulation 16 representations, submitted by Berrys on behalf of the landowners, A German and F Robinson and it relates to the land between 8 and 14 Grafton Road. On my site visit, I noted that the site has an undeveloped frontage onto Grafton Road, where limited development would, beyond the fact that it is outside the defined village boundary, appears to meet the principles of infill development supported by Policy B2 of the neighbourhood plan. It struck me on my visit that as the site has development on three sides that it would be a sustainable location for development effectively “rounding off” the village. I am aware that the settlement boundary as proposed by the neighbourhood plan, does follow the line shown on the Rural North, Oundle and Thrapston Local Plan. However, with the development taking place on the opposite side of the road, it seems totally inappropriate for this site to be subject to countryside policies.
- 5) I am therefore minded to recommend an amendment to the settlement boundary around this site but I am seeking parties’ views as to where the actual boundary should be drawn.
  - i) Should the new line take out the whole of the parcel of land, so that it all forms part of the settlement?
  - ii) Alternatively, should it line up the settlement boundary so that the rear of the village envelope would be defined by the rear property boundary of the 2 neighbouring properties. That would only place the narrower section of the larger plot between the 2 neighbouring properties, inside the settlement. Such an alignment would raise the question of how the rear land could be accessed, as whilst it appears there is an access way to the rear, I suspect that it is private ownership. It could be argued

that including all the land could be making best use of developable land.

- 6) Before making a recommendation, I am inviting the comments of the Parish Council, Berrys on behalf of the landowners and East Northamptonshire Council as LPA. I would be grateful if they could be sent to Michael Burton at ENC within the next 21 days who will then forward them to me by 28<sup>th</sup> August 2018 so that I may conclude my report on the examination.
- 7) In the interests of openness and transparency, I would be grateful if this note and the responses are put on the relevant neighbourhood plan web sites.

John Slater BA(Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Brigstock Neighbourhood Development Plan.

6<sup>th</sup> August 2018

**Response: Principal Planning Policy Officer, East Northamptonshire Council, 29<sup>th</sup> August 2018**

I note the Examiner's thoughts regarding the land between 8 and 14 Grafton Road. Planning permission was granted for the development of this land for two dwellings on 26<sup>th</sup> July 1995 (95/00389/OUT); reserved matters granted on 10<sup>th</sup> July 1996 (96/00347/REM). However, this permission was never implemented, expiring in July 2000.

A draft settlement boundary for Brigstock (as for other settlements) was prepared in 2003 as part of a review of the 1996 District Local Plan (a process known as "Design for the Future"). Design for the Future was subsequently rolled in to the Rural North, Oundle and Thrapston Plan (RNOTP), the current Local Plan Part 2 for Brigstock.

The RNOTP (paragraph 4.8) explains the criteria by which settlement boundaries were defined. This includes criteria which specify that "*public open spaces and undeveloped areas of land on the edge of villages are **excluded***" (criterion (c)), but "*the curtilages of dwellings are **included** unless the land has the capacity to extend the built form of the village*" (criterion (d)). Officer notes from the time (2003)

propose that the land should be excluded from the settlement boundary on the basis of criterion (d); i.e. the land in question, which by 2003 no longer had planning permission, was concluded to represent an extension of the built form of the village.

This background has long since been overtaken by events. Reference must also be made to the North Northamptonshire Joint Core Strategy (JCS) 2011-2031, the Local Plan Part 1. Of particular relevance, Policy 11(2)(b) states that: “*Small scale infill development will be permitted on suitable sites within Villages where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services*”. Reference should also be made to JCS paragraph 5.17 in assessing whether or not to include land within the settlement boundary. This sets out new generic criteria regarding infilling; i.e. “*development of vacant and under-developed land within the main built up areas of the village on land which is bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built up frontage*”.

I consider that JCS paragraph 5.17 sets significantly less restrictive criteria than the earlier paragraph 4.8 of the RNOTP. Given that the land in question is surrounded by built development on three sides, I would conclude that the land should be incorporated within the settlement boundary.

This is also borne out by a 2016 appeal case (APP/G2815/W/16/3149683 – Braesby (and associated land and buildings), Southwick Road, Glapthorn – 11<sup>th</sup> August 2016). In granting planning permission, the Inspector concluded that: “*Whilst I recognise that the appeal site lies partly outside the designated settlement boundary, it nevertheless abuts and is enclosed on three sides by existing residential development. Notwithstanding the RNOTP, which could in any case be considered out of date by the Framework...*”. The relationship of land between 8 and 14 Grafton Road to the existing built form is similar to the Braesby site at Glapthorn; such that the whole parcel of land (paragraph 5(i), above) should be included within the settlement boundary.