

Andrew Ashcroft, Independent Examiner
c/o Horsham District Council,
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Horsham,
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09 February 2021

Dear Mr Ashcroft,

RESPONSE TO EXAMINER'S CLARIFICATION NOTE ON THE RUDGWICK NEIGHBOURHOOD PLAN

This letter contains the response to your Examiner's Clarification Note from Rudgwick Parish Council. Following receipt of your note, the Steering Group met to consider, and pen answers to your queries. Their responses were subsequently approved by the Parish Council before they have been sent to you. This response letter is being submitted by Squires Planning on behalf of the Parish Council, as authorised at its meeting on 8th February 2021.

Overall, the Parish Council are pleased to note that you consider the Plan to provide a clear and concise vision for our neighbourhood area and do appreciate the positive comments made as the plan and supporting documents represents the culmination of a lot of hard work by many volunteers and by our consultants. Great care was taken to ensure that it was well presented with mapping provided in a proportionate, legible, and concise way.

As requested, responses to your specific queries are below, followed by comments on other representations.

RNP1 – Spatial Strategy

Given the context of the policy I suggest that the Plan incorporates a map showing the various settlements and the extent of the development boundaries. Does the Parish Council have any comments on this proposition?

Rudgwick (incorporating adjoining Cox Green) and Bucks Green are the only settlements with defined built-up area boundaries in the Plan Area, as is shown in detail on the Horsham Local Plan Inset Map 12¹. The suggested map would duplicate these boundaries in the neighbourhood plan and the Steering Group have deliberately not done this to avoid mapping in the neighbourhood plan becoming out of date. This is particularly relevant as Horsham District Council (HDC) are currently reviewing the built-up area boundaries for the new Local Plan for the area, with proposed amendments to the Rudgwick boundary having been published during the Regulation 18 Draft

¹ See https://www.horsham.gov.uk/_data/assets/pdf_file/0007/69307/Inset12_Rudgwick_2015.pdf

Local Plan consultation held last year. The new Local Plan is expected to reach examination in late 2021/early 2022. At this time, it is therefore unclear whether the boundaries will change but there is a risk that should the existing boundaries be included within the Neighbourhood Plan they may swiftly become out of date, conflicting with the HDC Local Plan as early as 2022.

Footnote 1 within the Neighbourhood Plan therefore makes it clear where one should look in the Development Plan to identify *'defined built up areas'* with reference to the current Horsham Development Framework.

The remaining settlements in the Plan Area do not benefit from defined built up areas and none have been suggested to avoid conflict with the settlement hierarchy in the currently adopted Local Plan. In Horsham, establishing which settlements have defined built up area boundaries is a strategic matter, although it is noted that a neighbourhood plan could seek to amend a boundary if it so wished. RNP1.1 has been deliberately aligned with the policies in the Development Plan. It should be noted that the term *'defined built-up areas'* has been used in our neighbourhood plan as it directly reflects the terminology used in strategic policies in the adopted Horsham District Planning Framework.

RNP1.2 seeks to minimise and ideally avoid the coalescence of any of our six distinct settlements and avoid the diminution of a settlement's individual identity. Whether proposed development impacts coalescence is, in our view, a matter of planning judgement and a distinctly separate matter to development boundaries and the policies relating to them.

We do however note there are currently no maps which clearly label the six distinct settlements in the Plan Area and agree that it may be useful to incorporate a map labelling them. Alternatively, Horsham District Council has requested that it is made clear which of the 6 settlements benefit from a defined built-up area in the supporting text (paragraph 4.1 onwards) and we would welcome such an amendment to provide the necessary clarity.

It is worth noting that HDC recognised Rowhook and The Haven (but not Tisman's Common) in considering them as candidates to be designated as 'Secondary Settlements' in the Local Plan Review 'Issues & Options' April 2018. The conclusion was not to designate, and hence no such boundary was proposed by HDC in Appendix 3 of said report.

RNP2 – Housing Mix

I can see the relationship between the policy and the evidence base. Nevertheless, is the mathematical approach in the policy realistically capable of being applied to sites of ten or less homes?

This has been given much thought during the preparation of the Plan to ensure that it can be applied to sites of less than 10 homes and achieve the policy objective to redress the imbalance of Rudgwick's housing stock. Also, RNP2.2 allows some flexibility for the lower numbers (1-4) if characteristics of the site *and/or*² viability dictate that a single larger home can be justified.

² This is a suggested change to the policy wording in light of Reg16 reps 16 and 17. Further detail on this is set out at the end of this document where specific representations are considered.

The approach also avoids a 'cliff edge' change that would occur with a specific site threshold. The plan also includes a table after paragraph 5.5 which shows how RNP2.1 and RNP2.2 should be delivered.

As the Housing Matters paper shows, historically most applications that come forward within the Plan Area are for a low number of units and therefore it is considered crucial that this policy applies to those smaller sites, otherwise the policy objective will be undermined. There are many examples in the parish where small sites have exclusively delivered large 4 or 5 bedroom homes. These include Fordcombe (2 x 5 bed); Boreham (1 x 5 bed, 1 x 4 bed); Farn Brakes (4 x 4 bed); Freshwoods (4 x 5 bed); The Ridge (2 x 4 bed, 2 x 5 bed).

When preparing the plan, it was recognised that strictly applying the housing mix set out in RNP2.1 had the potential to severely hamper those who wish to build their own homes in the Plan Area, or deliver small infill developments which may require a higher value unit to assist with viability. Bearing in mind the importance of smaller sites in Rudgwick meeting the policy objective, RNP2.2 has been formulated to allow a degree of flexibility to allow a larger dwelling on these sites should it be appropriate and also deliver the medium/small units required to meet local need and assist with balancing the housing stock.

Has the Parish Council considered the potential impact of the policy on the viability of housing developments?

Yes, the viability of development has been considered in detail, please see Housing Matters paper paragraph 2.8. RNP2.2 also recognises viability as an issue for 1-4 dwellings and specifically addresses this matter in line with our commentary above.

Has the Plan considered how new smaller houses delivered through this policy would be safeguarded as smaller houses in the future?

The plan does not address this. On reflection, we believe that it could be justified that conditions are attached to applications for smaller dwellings removing permitted development rights (classes A, AA and B within the GPDO). The impact of proposals on the housing mix, and potential loss of smaller dwellings, can then be assessed through a planning application. We believe this could be inserted into the policy or alongside the policy as informative text. However, we do believe that even without this 'safeguarding' much benefit is to be had by RNP2, of itself.

RNP3 – Affordable Housing

The approach included in the policy is entirely appropriate in a general sense. However, does it add any distinctive local value to existing District-wide policies.

The current Local Plan (HDPF) in Policy 16 has two rates for Affordable Housing based on site size. For smaller sites this is 20% whilst for larger sites it is 35%. In the supporting text (para 6.8) to Policy 16, it notes that the tenure target is 70% rented and 30% intermediate. It is unclear as to how this would work on the smaller sites with just 20% Affordable, yet still comply with NPPF Para 64 (10% affordable home ownership), as 30% of 20% is just 6%. Also, on larger sites where full Affordable Housing policy compliance is not achievable due to viability constraints, the HDC Planning Obligations SPD (September 2017) notes (para 6.1.20) *'It is likely that where less than the target percentage in Policy 16 is being provided, developers will be required to provide*

predominantly affordable rented housing'. Given that 30% of 35% is just 10.5%, it is difficult to see how the intermediate provision could be reduced without conflicting with NPPF para 64. Given the acute shortage of intermediate affordable housing in Rudgwick Parish, and the current lack of clarity on this topic in the emerging revised local plan, it is felt justified to confirm the 10% in RNP3 and that it does therein add distinctive local value beyond the HDPF.

Also, RNP3.1 requires **all** affordable housing to be provided on-site. HDPF Policy 16 only requires this for larger sites (15 or more dwellings) and this is further clarified in the aforementioned SPD para 6.1.6, but it is clear that on-site is preferred with clear evidence from a Registered Provider to justify an 'Exceptional Circumstance' (para 6.1.10). However, we are now in a situation where Horsham District Council has a housing company, Horsham District Homes, which is positioned to (& already has) purchased small clusters of affordable rented homes in such situations. In addition, the latest NPPF definition of Affordable Homes is much wider and does allow, especially in the Affordable Ownership category, tenures which would not require management by a Registered Provider (e.g. Discount Market Homes). Therefore the 'Exceptional Circumstance' of permitting less desirable off-site arrangements now seems inappropriate & unnecessary. Hence Rudgwick's policy clarifies its desire to have **all** its affordable housing provision on-site, without exception.

In addition is RNP3.1 at odds with the Plan's approach not to allocate sites for development?

RNP3.1 applies to any planning application for major residential development (as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015), that includes:

- (a) *the winning and working of minerals or the use of land for mineral-working deposits;*
- (b) *waste development;*
- (c) *the provision of dwellinghouses where—*
 - (i) *the number of dwellinghouses to be provided is 10 or more; or*
 - (ii) *the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);*
- (d) *the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
- (e) *development carried out on a site having an area of 1 hectare or more;*

To provide clarity on this point, perhaps the policy should read 'Major development will be...' to avoid any confusion.

Having a policy that applies to major development proposals does not conflict with the plan's approach to not allocate sites for housing. A planning application can be made at any time, on any land within the Plan Area, and it is therefore appropriate to include policies which address this eventuality.

RNP 4 – Homes for older people

In 4.3 has the Plan produced any detailed evidence for the proposed percentage of bungalows?

There is clear demand for such accommodation, as demonstrated in the Housing Needs Assessment 2017 and Housing Needs Assessment Review and Update (2019). A key recommendation was that a proportion of new homes should be bungalows.

Evidence presented by Horsham District Council in the North West Sussex SHMA (Nov 2019) also supports the potential role of bungalows as part of the future mix of housing. There is clearly a need for this type of housing which may also assist in encouraging households to downsize as they are attractive to older owner occupiers.

There is a difficulty in quantifying the need/demand for bungalows and arriving at a percentage in the housing mix as the HNA uses census data (which is used to look at occupancy profiles) which does not separately identify this type of accommodation.

Whilst it is difficult to quantify, there is a clear need/demand for such units as set out in more detail in Housing Matters paper - Section 3. As a result, and rather than ignore the very clear evidence, it was considered that 15% was a sensible percentage that allowed some provision but was not too onerous. This is also to address concern raised by Welbeck Strategic Land during the Regulation 14 consultation. The wording of the policy at that stage did not specify a percentage but required 'a significant proportion'.

In 4.4 is there any evidence to justify the prescriptive approach to a matter which is optional in the Building Regulations?

Yes, the benefits are clear and substantial and there is no reason why it should not be a requirement. The need is even more so in Rudgwick where there has been a considerable increase in older residents in recent years which is set to continue, as shown in the 2017 HNA evidence.

In view of this evidence regarding age structure and future households, which clearly impacts on the type of housing to be provided and also bearing in mind the Public Sector Equality Duty as well as the general view that planning policies should enable people to continue to live in their home as far as is practicable, then it follows that the norm should be for all new homes, regardless of tenure, to meet the optional Building Regulation for accessible and adaptable homes.

Whilst a whole plan viability study has not been undertaken, the impact on development viability across the Plan Area of a 100% requirement for M4(2): accessible and adaptable dwellings, is relatively limited, particularly as it will become more common across the country over time. It is noted that this requirement has already been adopted in some areas including Rother District which has a similarly ageing population (Development and Site Allocations Local Plan (Dec 2019) Policy DHG4: Accessible and Adaptable Homes).

The recent MHLG consultation paper, Raising Accessibility Standards for New Homes³ suggests that introducing a minimum M4(2) standard of accessibility for all new housing in England would cost only £1,400 per new home that would not already have met M4(2). Apart from the 'do nothing

³ Available to view at <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes>

option' in the consultation paper all other options require M4(2) as a basic standard for nearly all homes. Whilst it is unclear whether this consultation paper will translate into action, with government priorities often changing, there is an opportunity here to improve accessibility for many in the future and at little expense to developers.

Applying the existing optional standard as a requirement provides a simple and standard way for them to be implemented by developers. M4(2) dwellings can be secured via planning condition to allow the Building Control body to check compliance of a development against the optional Building Regulations standards. As more dwellings are built to these accessibility standards cost savings will be made over time.

There is therefore clear evidence to justify the requirement for all new homes to achieve M4(2)* of the optional requirements in the Building Regulations.

RNP5 – Housing Density

RNP5.2b - Am I correct in inferring that this element of the policy acknowledges that some development management decisions will need to strike a balance between house types (RNP2) and density (RNP5) considerations?

We do not believe that a balancing exercise would be required. Policy RNP5 requires all development to reflect the surrounding built density; that being the density of built form rather than housing density (dph) or any other measure. RNP2 specifies house size (in terms of number of bedrooms), not type.

To be policy compliant we provide this example; in an area whose character may comprise large, detached dwellings it may be that to be policy compliant a single structure is proposed which appears to be another large dwelling, but there is a wish to provide three units, so the structure contains one 3-bed, and two 2-bed homes in line with the requirements of RNP2.

We note that RNP5.2 has possibly resulted in the inference made. The intention was for RNP5.2(b) to allow the housing density (dph) to be higher to ensure housing is provided in line with RNP2 but considering our comments above we note that RNP5.2(b) is not necessary and creates confusion.

Whereas the intention of 5.2(a) was to allow for built density to be increased in the defined village centre, which is considered the most sustainable location for new development.

On review, we believe that the subheading before paragraph 5.16, and the title of RNP5, should be renamed as "*Built Density*", and the policy wording amended as follows:

RNP5.1 All development proposals should demonstrate how the scheme reflects the built density of the surrounding settlement.

RNP5.2 Built densities which exceed that of the surrounding settlement will be permitted where the development is within Rudgwick Village Centre, as defined on the Policies Map.

To provide further clarity, we also believe that the supporting text could be amended to read as follows:

5.16 The density of development has a drastic impact on the character of the area. It affects the spacing between buildings, the height of buildings and if density is increased can result in an urbanising affect.

5.17 Density is often expressed as dwellings per hectare (dph) in residential areas. The Steering Group have undertaken an assessment of housing densities across the Parish and have established that within the Parish housing density only occasionally exceeds 20dph and on the whole is much less, typically between 5dph and 15dph. Whilst not directly relatable to built density, dph is a good indicator of the low density of built forms across the Parish.

5.18 It is recognised that implementation of policy RNP2 may well result in a higher dph than the existing 'urban' areas. This policy ensures that whilst dph may increase, built density must still reflect the prevailing character of the area. This is achieved through delivery of smaller dwellings but also through careful design, layout, positioning etc. to reflect the built density of the surrounding built environment.

5.19 The policy below therefore seeks to ensure that any new development maintains the low density of built forms which is an important element of our local character. The exception to this is in the village centre where higher density development has more recently taken place and is considered a suitable location for higher density development to come forward.

RNP 7 – Architectural Style

Is the policy intended to apply in Rudgwick or throughout the parish?

The policy is intended to apply throughout the Parish. The wording could be changed to...

“To ensure that new development contributes positively to the character of Rudgwick Parish, it should be...”

RNP 7.2 Should this aspect of the policy acknowledge that permitted development rights may result in some of the details included in the policy may be beyond planning control?

Whilst this is true, we do not believe that the policy is the correct place for such an informative. This policy is used to determine planning applications which include works to existing buildings etc. On review we do consider that a minor wording change may add some clarity, with revised wording below:

“New/replacement windows, doors and porches on existing properties should match the originals where possible, in addition to ensuring any extension to the frontage is in keeping with the existing architecture. “

In direct response to your query, we believe that some additional wording should be added to the supporting text to clarify that the RNP7.2 may have limited impact:

Whilst many changes to windows, doors and porches, when done in isolation, do not require planning permission, works proposed to these elements as part of a planning

application are a planning consideration. Policy RNP7.2 therefore seeks to do what it can to ensure original detailing and characteristics of properties are retained when an application is required.

RNP 9 – Street Scene

At 9.3 Is this part of the policy intended to apply only to residential development? As submitted, it would apply to 'all' development and many development proposals would not relate in any way to the details included in the policy.

The objective of this policy is to ensure that new development makes a positive contribution to the rural street scene. The street scene is largely residential within the parish but within these areas are non-residential uses. For example, along Church Street there are other uses such as shops, doctors, schools, community halls etc which are part of the street scene and which currently have boundary features which if lost would negatively impact Rudgwick's valued street scene. For this reason, it is important to apply the policy wider than residential development.

Bearing this in mind, RNP9.3, could be amended to read:

"All proposals for residential, employment and commercial development, of 1 or more unit or change of use, should avoid open-plan frontages. Instead..."

RNP 10 – Local Economy

RNP10.3 Plainly this policy is very timely. Should it take account of the possibility that working from home proposals may not need planning permission based on their size and scale and the nature of the business use itself?

Policy RNP10.3 provides specific support for working from home and new business start-ups from home. In line with our comments above, we accept that home offices may be able to be provided via permitted development rights but do not believe wording within the policy itself to be the appropriate place to provide this informative. We suggest that supporting text is added to the document highlighting this point. It could read:

"Whilst many may be able to create spaces to work from home by using permitted development rights, these do not always exist and sometimes the desired buildings may fall outside of the scope of these rights. Policy RNP10.3 therefore provides policy support for proposals to facilitate working from home or start-up businesses when a planning application is required."

RNP 12 – Accessibility

RNP12.1 This policy refers to all major development. However, does its applicability conflict with the approach in the wider Plan which does not identify allocations?

Policy RNP12.1 applies to planning applications for major residential development. It is a spatial policy as it applies within and adjacent to the built-up area boundary (as defined on the Horsham District Plan – Inset map 12). The policy does not direct development to a specific area; it places a requirement should applications come forward. No conflict arises with the neighbourhood plan's approach.

Is it reasonable to expect any major development in Rudgwick/Bucks Green to provide ready pedestrian access to all of the identified facilities (and/or to provide access otherwise)? Should the policy take a more proportionate approach?

It is not considered unreasonable for development within or adjacent to urban areas to be required to connect to that urban area/village in a sustainable way. If occupiers of a development can feasibly and safely access the existing 'urban' area there will be naturally established access to the Important Local Facilities listed. Moreover, given most of the facilities are in relatively close proximity once access is demonstrated to one it is highly likely that existing links already exist to the others. Whilst the policy may initially seem onerous, it is not so, in reality.

RNP 13 - NEW NON-MOTORISED ROUTES

Is this a land use policy or a community action?

RNP13 is a land use policy. For clarity, the wording of the policy could be changed to:

RNP13.1 Development Proposals which incorporate new or improved non-motorised routes through the Parish will be supported, particularly where they provide greater accessibility to our Important Local Facilities, as defined on the Policies Map.

Are any such routes planned or committed (by the Parish Council or any other organisation) for delivery in the Plan period?

There are no routes currently planned by the Parish Council and we are not aware of any being planned by West Sussex County Council within the Plan Area.

RNP 15

Is the policy intended to be general in its nature or has a potential site been identified?

This policy is general in nature, supporting any proposals for a new allotment site within the Plan Area subject to criteria a) to c). We note that the policy as currently worded could be seen to imply it only supports a single allotment site in the Plan Area and so amending it as follows may be prudent:

'Proposals for new allotment site(s) will be supported provided that...'

Comments on Representations

Horsham District Council (Rep.2)

We have reviewed the representation made by Horsham District Council and we consider that the pertinent matters are considered above. We do not believe the remainder of the changes requested are required for the neighbourhood plan to meet the basic conditions.

Resident (Rep.4)

This suggests an additional potential Local Green Space. We acknowledge receiving this request as part of the Regulation 14 consultation and it was recorded in Appendix 27 of the Consultation Statement (top of page 161) under Ref 10/25, together with our response.

Welbeck Strategic Land (Rep.11)

We have also reviewed the representation made by Strutt & Parker on behalf of Welbeck Strategic Land and again consider that the pertinent matters have been considered above. Likewise, other changes requested are not in our opinion required for the neighbourhood plan to meet the basic conditions.

West Sussex County Council (Rep.12)

This response states that *'the comments provided by WSCC Services at the Reg 14 consultation do not seem to have been included in Appendix 27 of the Consultation Statement and therefore do not appear to have been considered before submission'*.

We are afraid that we have no record of this response being received during the Regulation 14 consultation (18 May – 19 July 2020). In response to the comments made at the Regulation 16 consultation:

Para 2.23 - We have no objection to the paragraph being reworded per se but disagree with the statement made - the paragraph is not inaccurate. Whilst cyclists can use roads and bridleways, there are no dedicated cycleways within the Plan Area.

Para 8.9 - We have no objection to the paragraph being reworded as follows:

'There is currently no controlled crossing point for either school. There are also no dedicated cycle paths within the Parish, although it is noted cyclists can use Bridleways including the Downs Link.'

RNP 9: Street Scene. The comments made are informative and do not materially affect the policy or compliance with the basic conditions. That said, we have no objection to adding informative text to the plan outside of the policy itself.

RNP 13: New non-motorised routes Comments are noted but as mentioned earlier in this document the policy is a land use policy relating to proposals which require planning permission. Our understanding is that converting a footpath to a bridleway falls outside of the planning system.

Resident (Rep.16 & 17)

We note the comments made in this representation regarding self-build and have carefully reviewed the policy in light of these comments and examples given. The inclusion of RNP2.2 is exactly intended to allow flexibility in circumstances such as small self-build sites. However, upon reviewing the wording it is realised that requiring exceptions regarding site size/characteristics **and** viability is an error and that it should read '**and/or** viability'. This, we believe, resolves the issues raised in this representation as it is clear that such a self-build proposal can justify (as this representation does) that there are circumstances which justify a deviation from the housing mix in RNP2.1 without having to demonstrate viability which would be unreasonable and onerous.

A list of exceptional circumstances applicable to RNP2.2 had deliberately not been included in the plan, for fear of that list being a closed list. However, to further allay these concerns we suggest adding the following supporting text below table in para 5.5:

5.6 RNP2.2 recognises that in certain circumstances provision of a larger dwelling(s) is appropriate on smaller sites, for example on small self-build sites where requiring only small dwellings may conflict with the purpose of a self-build, for example to attain a family home that would not otherwise be possible due to lack of affordability in an area. RNP2.2 therefore allows some flexibility to avoid undermining the overall delivery of housing and to allow larger homes on small sites, but this must be justified by appropriate site size/characteristics and/or viability issues.

We trust that the above commentary is useful in helping you to examine the Rudgwick Neighbourhood Plan. Should there be any other matters on which you require commentary or clarification the Parish Council would be happy to oblige.

Yours sincerely,



Andrew Metcalfe

Director | MPlan MRTPI