

## Regulation 16 Consultation on the Submitted Broadwas and Cotheridge Neighbourhood Plan RESPONSE FORM

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Broadwas and Cotheridge Parish Council has submitted the draft Broadwas and Cotheridge Neighbourhood Plan to Malvern Hills District Council. In accordance with Regulation 16, Malvern Hills District Council would like to invite comments from organisations and individuals on the Neighbourhood Plan.

This consultation runs for six weeks from Friday 15<sup>th</sup> February to 5:00pm on Friday 29<sup>th</sup> March 2019.

If you wish to comment on the draft Broadwas and Cotheridge Neighbourhood Plan **please complete and return this form no later than 5:00 pm on Friday, 29<sup>th</sup> March 2019 to:**

**Email:** [policy.plans@malvern hills.gov.uk](mailto:policy.plans@malvern hills.gov.uk) , or by

**Post:** Planning Policy, Malvern Hills District Council, Planning Services, The Council House, Avenue Road, Malvern, Worcestershire, WR14 3AF.

The personal information you provide on this form will be held and processed in accordance with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation 2018.

Please note that your name and comments will be made publicly available when displaying the outcome of this consultation and cannot be treated as confidential. Any other details, including signatures, private telephone numbers and email addresses will not be published on the Council's website, but the original representations with personal details redacted will be published. Your details will be retained in order for us to validate your comments. We will use these details to notify you of the progress on the Broadwas and Cotheridge Neighbourhood Plan. If you do not wish to be notified of the progress of the Neighbourhood Plan please let us know by ticking the appropriate box at the end of this response form.

Please fill in your details in the boxes below:

Full Name: Mark Chadwick

Organisation (if applicable): Ridge & Partners LLP

Address (including postcode):

Telephone number:

Email address:

Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Please see the attached submission

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see the attached submission.

Please use a separate form for each representation.

**Future Notification**

Please state whether you would like to be notified of the decision on the Neighbourhood Plan proposal:

Yes  No

**Signature** 

**Date** 22<sup>nd</sup> March 2019

Thank you for completing this form.

21<sup>st</sup> March 2019

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Dear Sir/Madam

**REPRESENTATIONS MADE IN RESPECT OF THE EMERGING BROADWAS AND COTHERIDGE NEIGHBOURHOOD PLAN**

Regulation 16 of the Neighbourhood Planning (General Regulations) 2012 (as amended).

This submission is lodged on behalf of our client, Wolverley Homes Ltd, which has land interests at the village of Broadwas. It is a matter of public record that Wolverley Homes seeks to promote its land interest in a manner that meets an identified housing need at Broadwas and Cotheridge. In accordance with the requirements of Regulation 16 of the Neighbourhood Planning (General Regulations) 2012 (as amended), these representations raise objections to the emerging Broadwas and Cotheridge Neighbourhood Plan.

In summary:

- The emerging neighbourhood plan fails to comply with national planning policy which seeks to boost the supply of housing. There is a significant evidence base demonstrating there is a local housing need<sup>1</sup>. The emerging neighbourhood plan fails to plan positively to help meet that identified local housing need.
- The emerging neighbourhood plan provides no housing allocations and simply attempts to set out a restrictive approach to growth within a very tight development boundary at Broadwas –at the same time acknowledging “*very limited scope*” for new development exists within the development boundary.
- The emerging plan fails to comply with national planning policy which seeks to place modest growth at rural settlements to sustain and enhance their local services. Additionally, the emerging neighbourhood plan fails to follow the development strategy of the adopted strategic spatial plan, the South Worcestershire Development Plan (SWDP), which seeks to achieve the same objectives as the Framework; as noted above.

<sup>1</sup> Gloucestershire Rural Community Council’s April 2018 Housing Need Survey

- The suggested local green space designations set within emerging neighbourhood plan Policy P3 fails to meet the tests set out in the Framework. There is no evidence base, or credible documentation, to justify those emerging green space designations.
- To be made sound, the emerging neighbourhood plan should, as a starting point, seek to make housing allocations such that, as a minimum, the local community can accommodate its currently identified housing need<sup>2</sup>. Additionally, housing growth opportunities – not village cramming within tightly drawn development boundaries – should be identified to help meet the identified future housing need of the wider area<sup>3</sup> as well as providing village growth to help sustain and enhance the rural services that Broadwas provides.
- The proposed local green space designations, particularly that at land between Berryfields Close and Church Lane, should be deleted.
- Land between Berryfields Close and Church Lane should be allocated such that it can sustainably help to provide some of the affordable housing requirement and housing need demonstrated to exist within the locality.

The National Planning Policy Framework (2019) (hereafter referred to as ‘the Framework’) requires development plans to apply the presumption in favour of sustainable development<sup>4</sup>. For plan-making, part a) of Paragraph 11 requires that “plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”. For Neighbourhood Plans, ‘basic conditions’ and legal requirements<sup>5</sup>, must be met before such plans come into force<sup>6</sup>. For Local Plans, the Framework sets out several tests of soundness to be met<sup>7</sup>. These are:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

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<sup>2</sup> As defined within the Housing Needs Survey undertaken in April 2018 by Gloucestershire Rural Community Council

<sup>3</sup> As defined within the Housing Needs Survey undertaken in April 2018 by Gloucestershire Rural Community Council

<sup>4</sup> Paragraph 11 of the Framework.

<sup>5</sup> As set out in Article 8 of Schedule 4B of the Localism Act 2011 (as amended); and Paragraph: 065 Reference ID: 41-065-2014-0306 of the PPG.

<sup>6</sup> Paragraph 37 of the Framework.

<sup>7</sup> Paragraph 35 of the Framework.

Article 8(2) of Schedule 4B of the Localism Act (2011), as amended, sets out the basic conditions which an emerging Neighbourhood Plan must meet. The basis conditions are that an emerging neighbourhood plan must:

- *Have regard to national policies and advice contained in guidance issued by the Secretary of State.*
- *Have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses.*
- *Have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area.*
- *The making of the order contributes to the achievement of sustainable development,*
- *The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- *The making of the order does not breach, and is otherwise compatible with, EU obligations, and*
- *The prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

This submission specifically addresses the following topics as set out within the emerging Broadwas and Cotheridge Neighbourhood Plan:

1. Options for New Housing;
2. Designated Local Green Space.

**OPTIONS FOR NEW HOUSING**

The emerging Broadwas and Cotheridge Neighbourhood Plan has been drafted following local community engagement events that took place between May and July 2017. The emerging plan identifies 10 key issues<sup>8</sup> stemming from that consultation process. Of which, the following are local housing need related matters:

- *Need for smaller new homes both for young families and for older residents wishing to “downsize”.*
- *Acceptance of need for limited new housing – but only on a small scale.*

The emerging Broadwas and Cotheridge Neighbourhood Plan’s objective for Housing is described as:

*“To support small scale sustainable high-quality housing development within the Broadwas Development Boundary and on other exception sites consistent with the SWDP.”*

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<sup>8</sup> Paragraphs 3.1 and 3.2 of the Broadwas and Cotheridge Neighbourhood Plan 2018 - 2030

The emerging neighbourhood plan comments that Malvern Hills District Council can demonstrate a five-year housing supply<sup>9</sup>, and that Broadwas has already contributed to South Worcestershire's Objectively Assessed Housing Need of 28,370 dwellings by providing the 22 new dwellings that have been constructed and now occupied at Berryfields and Highcroft Close. Consequently, and notwithstanding the key issues relating to housing need as identified as part of the emerging plan's consultation<sup>10</sup>, the emerging neighbourhood plan suggests there is no requirement to identify allocations of land for residential development within the parish. Equally, the emerging plan fails to respond positively to the evidence of housing need as set out within the Housing Needs Survey undertaken in April 2018 by Gloucestershire Rural Community Council. The approach taken to the emerging development plan's preparation fails the '*positively prepared*' and "*consistency*" tests set by the Framework.

It is important to note that the SWDP sets its housing requirement in the context of "**around**" 28,400 dwellings for the plan period 2006 to 2030. That figure is expressed as a policy "*target*" and not a maximum quantum of homes. The SWDP housing figure is set within the context of Paragraph 59 of the Framework, which is clear in that it is the Government's objective to **significantly boost** the supply of new homes. That paragraph also requires for plans to ensure they are prepared in a manner such that "*a sufficient **amount** and **variety** of land can come forward where it is needed*" (our emphasis). To meet those two objectives, paragraph 60 of the Framework requires strategic plans to set a "*minimum*" number of required homes. The approach taken within the emerging Broadwas and Cotheridge Neighbourhood Plan fundamentally fails to follow that required approach.

In the context of the Framework, and the up-to-date and operative spatial development strategy<sup>11</sup>, it is both inappropriate and wrong for the emerging Neighbourhood Plan to suggest the village has 'done its bit'. Particularly so in light of the evidence of demonstrable need as defined within the Housing Needs Survey undertaken in April 2018 by Gloucestershire Rural Community Council. Instead, the emerging plan should be positively drafted in the context of the presumption in favour of sustainable development; whereby both the Framework and the SWDP seek to significantly boost the supply of new homes.

It would be appropriate in spatial planning the emerging neighbourhood plan to make housing allocations. Paragraph 36 of the SWDP's operative development strategy sets out that within Malvern Hills District, the Category 1,2 and 3 Settlements should accommodate new housing to meet local needs<sup>12</sup>. The reasoned justification supporting that development strategy and settlement hierarchy is clear. The SWDP sets out that to deliver the social objectives of sustainable development, some growth is to be directed to those rural settlements that enjoy a reasonable range of

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<sup>9</sup> Malvern Hills Five Year Housing Land Supply Report (July 2018) notes the district has a housing supply of 6.57 years.

<sup>10</sup> "*Need for smaller new homes both for young families and for older residents wishing to 'downsize'.*" And "*Acceptance of need for limited new housing – but only on a small scale*".

<sup>11</sup> Policy SWDP 3

<sup>12</sup> Para 36 of the SWDP

local services. Broadwas is identified within the strategic spatial plan as a service village (Category 2 Settlement). Its role is defined as predominately aimed at meeting locally identified housing and employment needs.

Broadwas constitutes a settlement that provides several significant services that support not only the village itself but it's surrounding hinterland of smaller settlements and parishes. Those services include:

- Public House and Restaurant (The Royal Oak);
- Broadwas Village Hall;
- Recreation Ground;
- Broadwas C of E Primary School;
- Broadwas Pre-School and Out of School Care;
- Broadwas Gospel Hall; and
- Church of St. Mary Magdalene.

In addition, a regular bus service runs daily from the village to the cities of Worcester and Hereford. That service enables peak AM and peak PM commuting for work purposes to those cities; with a journey time of just 20 to 25 minutes.

Broadwas is therefore well suited, in SWDP terms, to accommodate additional homes to meet local housing needs<sup>13</sup>. Such an approach would be fully consistent with paragraphs 78 and 79 of the Framework which states:

*"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. .... To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

Background Paper No.1 accompanying the emerging neighbourhood plan seeks to provide a justification as to why allocations for additional housing development are not considered necessary for the neighbourhood plan area. It is noted that those involved in preparing the emerging neighbourhood plan have questioned whether Broadwas constitutes a "Category 2 Settlement" as defined within the operative SWDP<sup>14</sup>. It is noted that it is the neighbourhood plan's authors' case that Broadwas should, instead, be defined as a Category 3 Settlement. However, the emerging plan's authors have failed to acknowledge the hierarchy of plan making. An emerging neighbourhood plan is required to be made in accordance with an operative strategic plan.

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<sup>13</sup> SWDP Policy 2

<sup>14</sup> Policy SWDP 59 and SWDP Table 26: Category 2 Village Allocations.

It is the SWDP that comprises the leading adopted, and up-to-date, statutory spatial development strategy for the area. If approved, the Broadwas and Cotheridge Neighbourhood Plan would sit alongside the SWDP and be part of any decision-taking process<sup>15</sup>. Paragraph 13 of the Framework provides clear guidance to those engaged with the preparation of neighbourhood plans. It states that such plans should “*support*” the delivery of the strategic policies contained within local plans or spatial development strategies. Thus, the emerging neighbourhood plan has a supporting role, not a ‘directing’ role.

As a fundamental principle of planning law, a neighbourhood plan has no legal jurisdiction in the re-writing of strategic policies contained within an up-to-date and operative spatial development strategy. Here, the authors of the emerging Broadwas and Cotheridge Neighbourhood Plan have seriously mis-directed themselves.

The approach taken within the emerging neighbourhood plan seeks to only permit new residential development where it would constitute small scale infill development within Broadwas’s defined Development Boundary. The principles of that approach are set out at paragraph 5.5 of the emerging neighbourhood plan, where it is noted that there is “*very limited scope*” for new development. Where such development would occur paragraph 5.5 goes on to state it “*would have to take the form of relatively high-density such as subdividing existing plots*”. It is contended that such an approach fails to follow the requirement of positive planning. Infilling in small sites directly adjacent to existing residential units is likely to create negative impacts on residential amenity and the environment. In contradiction, to its approach to infill, paragraph 5.23 of the emerging neighbourhood plan defines the spaces around individual properties in Broadwas and Cotheridge as a significant feature to the character of the area. In doing so, the emerging neighbourhood plan aims “*to retain a distance of at least 2m (6’6”)* between adjacent properties.” Similarly, Part A of emerging neighbourhood plan Policy P6 states “*proposals should minimise the adverse impact on local residential amenity and give careful consideration to noise, odour and light.*” There is, therefore, a tacit recognition within the emerging neighbourhood plan that new development at Broadwas and Cotheridge is only likely to occur in very very limited circumstances. In reality, there is tacit recognition within the emerging neighbourhood plan that little or no opportunity for housing growth within the development boundary.

It is thus contended that the emerging Broadwas and Cotheridge Neighbourhood Plan has not been prepared in a positive manner. It is contended that the emerging neighbourhood plan fails to acknowledge the SWPD’s spatial strategy and national policy. Both of which seek to place new housing within those rural settlements with a reasonable level of community facilities and services, and access to employment opportunities, in order to maintain and enhance the vitality of wider rural communities. Contrary to those strategic spatial development objectives, the emerging neighbourhood plan fails to provide opportunities for Broadwas and Cotheridge to grow and thrive. In respect of all those matters, it is clear the emerging Broadwas and Cotheridge Neighbourhood Plan fails to meet the ‘*basic conditions*’.

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<sup>15</sup> Paragraph: 003 Reference ID: 41-003-20140306 of the PPG.



It is contended that to rectify that position, the emerging neighbourhood plan should respond positively to the need to accommodate additional housing within Broadwas to meet local housing needs and sustainable development objectives, as required by national policies and in conformity with the strategic policies contained within the SWDP.

As noted earlier, meeting housing need is a key objective of the Framework. Paragraph 59 of the Framework notes it is important *“that the needs of groups with specific housing requirements are addressed”*. As also mentioned earlier, local housing needs were key issues identified as part of the emerging plan’s consultation<sup>16</sup>; a need for smaller new homes both for young families and for older residents wishing to ‘downsize’, and an acceptance of need for new housing.

As also noted earlier, a Housing Needs Survey was undertaken in April 2018 by Gloucestershire Rural Community Council for Broadwas and the adjoining smaller communities to which Broadwas serves; Cotheridge, Doddenham, Lulsley and Wichenford. Prior to the survey being undertaken, Gloucestershire Rural Community Council, as standard practice, sought clarification with Malvern Hills District Council on the methodology to be undertaken. A copy of the survey questionnaire, the survey process and the parishes to be included within the survey area were all issued and agreed with the District Council. The survey had a healthy response rate of 26%. The survey results have been shared with all the public authorities, including the Parish Council. It remains up to date and is relevant and material to the neighbourhood plan making process.

The survey confirms 13 households with a local connection have identified themselves as being in need of affordable housing within the survey area over the next five years, and a further 19 households identifying their need for open market housing over the next five years. Of those identified in need of affordable housing, the housing needs survey provides the following evidence.

**Households in need of affordable rented housing**

<u>Household</u>	<u>Dwelling Type and Number of bedrooms</u>	<u>Current Tenure</u>	<u>Reason for Housing Need</u>
Single person of working age	1 bedroom flat	Live with family/ friends	Seeking independent accommodation
Single person of working age	1 bedroom house	Not stated	Seeking independent accommodation
Single person – age not stated	1 bedroom house	Private rented	Better security of tenure

<sup>16</sup> Paragraph 3.1 of the emerging Broadwas and Cotheridge Neighbourhood Plan 2018-2030

Single person of working age	1 bedroom house, flat or bungalow	Live with family/ friends	Seeking independent accommodation
Single person of working age	1 bedroom house, flat or bungalow	Live with family/ friends	Seeking independent accommodation
Single person of working age	1 bedroom bungalow, single storey	Housing association rented	Closer to carer

**Households in need of intermediate housing including low cost home ownership housing**

<u>Household</u>	<u>Dwelling Type and Number of bedrooms</u>	<u>Current Tenure</u>	<u>Reason for Housing Need</u>
Single person of working age	1 bed house or flat	Lives with family/friends	Seeking independent accommodation
Single person of working age	2 bed house	Lives with family/friends	Seeking independent accommodation
Family with offspring both of working age	2 bed house	Home owner with mortgage	Cheaper accommodation required
Single person of working age	1 bedroom flat, house or bungalow	Lives with family/ friends	Moving closer to work
Family with 2 children of school age & 1 of preschool age	4 bedroom house	Live in private rented	Needs larger accommodation
Family with offspring of working age	3 bedroom house	Live with family/ friends	Larger accommodation, closer to carer/ dependent
Family with 2 children of school age	3 bedroom house	Private rented	Needs larger accommodation

The above two tables chart real people, with real housing needs.

The authors of the emerging neighbourhood plan have set out they consider the Housing Needs Survey carries limited weight and it does not justify additional housing allocations for Broadwas and Cotheridge. However, that approach to dismissing evidence-based plan making is simply wrong; and it fails to adopt the well-established principles of meeting local housing need as set out within the SWDP and the Framework.

The Neighbourhood Plan’s housing background paper, Background Paper No.1, suggests the Gloucestershire Rural Community Council’s Housing Needs Survey to be inaccurate in its data collection, and incorrect with defining Broadwas as a Category 2 Settlement.

However, in terms of meeting the requirements of those with an identified housing need, the matter of the classification of Broadwas as a Category 2 or 3 settlement is irrelevant. Gloucestershire Rural Community Council’s Housing Need Survey was professionally undertaken by housing experts qualified to do so and the survey used all the appropriate tools; its methodology is sound. Importantly, it should be noted that the authors of the emerging neighbourhood plan have not undertaken their own Housing Needs Survey; cynically one might conclude the authors of the emerging plan don’t care about those local people in housing need. Indeed, while a side issue, it is worthy of note that at the time Gloucestershire Rural Community Council undertook its housing need survey, a piece within the Parish Magazine<sup>17</sup> stated:

***"Not Another Survey!***

*Gloucestershire Rural Community Council has been commissioned.....to carry out a Housing Needs Survey in Broadwas and Cotheridge.*

*The proposed survey **does not** have the backing or support from either the Broadwas and Cotheridge Parish Council or from Malvern Hills District Council.*

*There is no compulsion to respond to the survey. If you decide to do so, please be aware that, if you indicate a potential need for additional housing, this may be used by developers to support planning applications for further significant development in our villages"*

*Eric Dale  
Chair of Broadwas and Cotheridge Parish Council"*

In summary, the emerging neighbourhood plan fails to provide a sustainable solution for new development in the area, equally it fails to provide for identified local housing needs. The emerging plan fails to comply with national planning policy which seeks to *boost* the delivery of the supply of new homes, seeks to meet the requirements of those in housing needs, and seeks to place modest growth in rural settlements to sustain and enhance their local services. Additionally, the emerging neighbourhood plan fails to comply with the development strategy of the adopted strategic spatial plan; Policies SWDP 2 and SWDP 3.

**In its approach to meeting identified housing needs and sustaining rural services, it is apparent that the emerging neighbourhood plan fails to identify any sites for housing development in Broadwas and Cotheridge and fails to meet the 'basic conditions' tests of; i) having regard to national policies and advice contained in guidance issued by the**

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<sup>17</sup> March 2018 edition of "Footprints"

Secretary of State; ii) contributing to the achievement of sustainable development; and, iii) being in general conformity with the strategic policies contained in the development plan for the area.

**LOCAL GREEN SPACE**

The emerging neighbourhood plan sets the following environmental objective:

*“Within the Neighbourhood Plan area, to support and protect the Green Space identified in the SWDP and the Local Green Spaces and historic buildings referred to in this Plan and to enhance public access to and enjoyment of the rural landscape as a whole.”*

Notwithstanding the relatively small geographical area covered by the emerging Broadwas and Cotheridge Neighbourhood Plan, its authors seek to designate no less than 5 Local Green Spaces of “amenity” value<sup>18</sup>. Part of which, the emerging plan seeks to place a local green space designation on Wolverley Homes’ land interests at the village<sup>19</sup>; that land is well documented as being promoted by Wolverley Homes to accommodate affordable housing to meet part of the identified local need. It is also well documented that the site is well located in terms of being broadly equidistant between the village school, village hall, public house and village playing fields and that it sits adjacent to existing residential development.

The Framework and National Planning Practice Guidance defines the designation of land as a Local Green Space through neighbourhood plans as an opportunity for communities to identify and protect green areas of particular importance to them<sup>20</sup>. That guidance states:

*“Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”*

However, paragraph 100 of the Framework sets three very clear criteria, defining those circumstance where the designation of local green spaces should only be used:

- a) *In reasonably proximity to the community it serves;*
- b) *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***
- c) *Local in character and is not an extensive tract of land.*

For a site to qualify to be designated as local green space all three of the above criteria must be demonstrated as being met. The above guidance is clear that not all open land warrants local green space protection and that such

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<sup>18</sup> Emerging Neighbourhood Plan Policy P3  
<sup>19</sup> Land between Berryfields Close and Church Lane  
<sup>20</sup> Paragraph 99 of the Framework.

designation should be used *cautiously*, and not applied unnecessarily. Paragraph 100 plainly states that the land must be of local significance, special to the community, local in character and must not be an extensive tract of land.

Emerging Neighbourhood Plan Policy P3 seeks to designate five sites that are considered of special importance to the rural character of Broadwas and Cotheridge. The Policy seeks to control those sites as ‘Local Green Spaces’ within which development shall not be permitted unless it is designed to meet the objectives of the site as ‘Green Infrastructure’ in accordance with Policies SWDP 5, 6 and 38 of the South Worcestershire Development Plan.

Part B of Policy SWDP 38 of the SWDP states development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:

- a) *The proposal is for a community/recreational use that does not compromise the essential quality and character of the Green Space; or*
- b) *An assessment of community and technical need (using recognised national methodology where appropriate) clearly demonstrates that the Green Space is surplus to requirements; or*
- c) *Alternative/replacement Green Space of at least equivalent value to the community has been secured in a suitable location.”*

The consequence of the above policy is a highly restrictive one; hence the Government’s policy that Local Green Space designations should be used *cautiously*, and not applied unnecessarily to all green space.

Background Paper No. 2 accompanying the emerging neighbourhood plan seeks to provide an analysis of the suggested local green spaces. That analysis uses the tests set out within Paragraph 100 of the Framework. The conclusions are summarised in a table within that Paper. However, the table does not present a clear, demonstrable and evidenced based assessment of the community and technical tests. There is no evidential documentation attached to the emerging neighbourhood plan. Nor is there any demonstrable justification as to why the chosen sites are considered special to the local community. The table simply provides a brief overview in an attempt to provide a dialogue on why the chosen sites should be designated as Local Green Spaces.

Equally, Policies Map Inset 1 contained within the emerging neighbourhood plan seeks to identify 2 key views across the proposed local green space at land between Berryfields Close and Church Lane. Notwithstanding the fact there is no evidence to justify those suggested viewpoints, it is evident that even if a justification can be demonstrated, much of the suggested land to be included within the local green space designation falls outside the line of site between those two viewpoints.

Designating an area of land as local green space is, it is contended, as significant as designating an area of land as *Green Belt*<sup>21</sup>. The Government therefore attaches great importance on the need to take a cautious, measured and demonstrable evidenced based approach to applying local green space restrictions<sup>22</sup>. Equally, in SWDP terms, the

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<sup>21</sup> Paragraph 101 of the Framework.

<sup>22</sup> Paragraph 100 of the Framework.

application of local green space designation applies a restrictive approach to development that is equivalent to the Green Belt designation<sup>23</sup>.

There is no justification that meets the required tests for the emerging local green space designations. There is certainly no such justification for the proposed designated of land between Berryfields Close and Church Lane as local green space. The table set out within Background Paper No. 2 provides the following dialogue in seeking to justify the site’s ‘special’ value to the community:

*“The site affords public views from the A44 in the centre of Broadwas south over the River Teme. It is directly opposite the public house which also affords publicly accessible views across it. Whilst it has been the subject of development pressures the local community regards this site as especially important to be retained free from development.”*

The above text cannot be considered as a robust evidence base case that demonstrably sets out special value. Paragraphs 100 and 101 of the Framework are clear in setting the case that the purpose of local green space designations should not be used to ordinarily constrain development at a site. Here should be noted that land between Berryfields Close and Church Lane is simply an ordinary agricultural field, which does not have public access. The site does not bare any historic significance nor recreational significance. To reiterate, Part B (i) of Policy SWDP 38 states the proposal of a local green space would be used solely for community/recreational purposes, and any such proposal should not compromise the essential quality and character of that green space.

It should also be noted that the Inspector’s conclusions set out within the appeal APP/J1860/W/3159764<sup>24</sup> made no reference to the land being of any significance to the local community, nor of it being demonstrably special. He did depict some views across the site from its northern boundary, particularly from the Royal Oak, and along Church Lane to the west. However, the Inspector concluded most of the site cannot be viewed from the A44 given the dense north boundary hedgerow. Given this alone, it is evident that the site fails to meet the requirements of the Framework and should not be designated as a local green space.

Additionally, Part (c) of Paragraph 100 of the Framework does not permit the designation of land as local green space if it is extensive in size. While the Framework does not define what is meant by ‘extensive’, the size of the site between Berryfields Close and Church Lane<sup>25</sup> measures an area of approximately 2.2 hectares. And, the site is unconstrained at its southern border where the agricultural land runs continuously southwards across into the wider landscape beyond. Background Paper No. 2 dismisses this point, describing the southern boundary as “less critical”. In a weak attempt to prevent the emerging local green space from extending continuously southwards into the

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<sup>23</sup> SWDP Policy 38.

<sup>24</sup> Land between Church Lane and Broadwas Primary School, Broadwas, Worcestershire WR6 5NE - The development proposed is outline application, with all matters reserved, for a residential development on a Rural Exception Site of up to 20 dwellings, of which 9 (45%) are to be affordable dwellings, with associated new access and car parking, onsite biodiversity area, public open space and infrastructure.

<sup>25</sup> The proposed boundary for the Land between Berryfields Close and Church Lane local green space can be found at page 23 of the emerging neighbourhood plan.

Worcestershire landscape beyond, the emerging neighbourhood plan seeks the southern boundary to be *“drawn to align with the southern boundary of Berryfields Close”*. Fundamentally, the emerging neighbourhood plan fails to demonstrate how the boundary will be implemented or properly define on the ground. Clearly, the site constitutes an extensive tract of land, and fails to comply with the tests as set out in within national planning policy.

Overall, the emerging local green space designations in the emerging neighbourhood plan are not consistent with the requirements set out in national planning policy nor with the operative strategic spatial plan. Those preparing the emerging neighbourhood plan have failed to provide a comprehensive and technical assessment to demonstrate the suggested local green spaces are demonstrably special to the local community and are of any particular local significance. Furthermore, it is evident the site between Berryfields Close and Church Lane constitutes an extensive tract of land.

Given that no evidence of a comprehensive and technical assessment has been demonstrated within the emerging neighbourhood plan, and its background paper, it is clear the plan seeks to misuse local green space designations in a thinly veiled attempt to thwart future development at the village. In that regard, the emerging plan fails to meet the *“basic conditions”* tests.

**CONCLUSIONS**

The Localism Act sets out that for an emerging neighbourhood plan to be considered sound, a number of *“basic conditions”*, or tests, need to be met. The case above demonstrates the emerging Broadwas and Cotheridge Neighbourhood Plan fails to meet those tests. Particularly the tests of; i) having regard to national policies and advice contained in guidance issued by the Secretary of State; ii) contributing to the achievement of sustainable development; and, iii) being in general conformity with the strategic policies contained in the development plan for the area.

In summary, the emerging neighbourhood plan fails to comply with national planning policy which seeks to boost the supply of housing. Gloucestershire Rural Community Council’s April 2018 Housing Need Survey is a significant evidence base document demonstrating there is a local housing need. The emerging neighbourhood plan dismisses that evidence base and fails to plan positively to help meet that identified local housing need.

Equally, the emerging neighbourhood plan seeks to provide no housing allocations and simply attempts to set out a restrictive approach to growth within very tight development boundaries within Broadwas – acknowledging *“very limited scope”* for new development exists.

The emerging plan fails to comply with national planning policy which seeks to place modest growth in rural settlements to sustain and enhance their local services. Additionally, the emerging neighbourhood plan fails to follow the development strategy of the adopted strategic spatial plan; Policies SWDP 2 and SWDP 3.

The suggested local green space designations set within the emerging neighbourhood plan fail to meet the tests set out in the Framework. There is no evidence base, or credible documentation, to justify the emerging green space designations.

It is apparent that the emerging neighbourhood plan fails to meet the required '*basic conditions*' set within the Localism Act.

To be made sound, and to assist in meeting the basic conditions, the emerging neighbourhood plan should:

1. As a starting point, acknowledge as a minimum the local community's housing affordable and market housing need<sup>26</sup>.
2. Delete the proposed local green space designation at land between Berryfields Close and Church Lane, and the site should instead be allocated such that it can sustainably help to provide the affordable housing requirement and housing need that currently exists in the locality.
3. Identified other modest housing opportunities – not village cramming within tightly drawn development boundaries – to help meet the future housing need of the wider area and to help sustain and enhance the rural services that Broadwas provides.

Yours faithfully



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<sup>26</sup> As defined within the Housing Needs Survey undertaken in April 2018 by Gloucestershire Rural Community Council