

Mayfield House  
256 Banbury Road  
Oxford  
OX2 7DE

T: 01865 511444  
F: 01865 404433

Your ref:  
Our ref: VR/CSW/1081014

Development Policy Manager  
Development Services  
Warwick District Council  
Riverside House  
Milverton Hill  
Leamington Spa  
CV32 5QH

19<sup>th</sup> April 2016

Dear Sirs,

## **LAND SOUTH OF WASPERTON LANE, BARFORD**

### **CONSULTATION ON PROPOSED MODIFICATIONS TO THE PUBLICATION DRAFT WARWICK DISTRICT LOCAL PLAN (2011-2029)**

On behalf of our client, Mr C. Cadogan, this representation has been prepared in response to the public consultation on the proposed modifications to the publication draft of the Warwick District Local Plan for the period 2011-2029.

This representation relates specifically to the additional allocation of approximately 30 dwellings on Land south of Wasperton Lane, Barford as part of amendments to Policy DS11 (Allocated Housing Sites) and as identified on the proposed modification to the Local Plan Policies Map for Barford (site ref. H47).

Our client is a second generation tenant of the subject land and holds a lifetime tenancy under the Agricultural Holdings Act 1986 and strongly objects to the principle of developing the land for housing. I attach a Site Plan showing the land subject to this representation.

I will set out a brief summary of the progress of the Warwick District Local Plan and a short assessment of the site subject to this representation before going on to discuss the client's justifications for objecting to the proposed allocation.

#### Background

The Warwick District Local Plan was submitted for examination in January 2015 and two initial hearing sessions were held in May 2015. In his initial findings dated June 2015, the Inspector deemed the Plan 'not sound' particularly in terms of overall housing provision and the supply and delivery of housing land. The Inspector recommended either non-adoption of the Plan or that the Council withdraw the Plan.

Following a number of discussions and correspondence between the Council and the Inspector, in October 2015, the Inspector agreed for the examination of the Warwick District Local Plan to be suspended until May 2016, giving the Council time to address the Inspector's initial findings.

The Council have now published their proposed modifications to the Local Plan for a six-week consultation period up to Friday 22<sup>nd</sup> April. This representation is submitted as part of this consultation.

## Proposed Modifications

The Publication Draft of the Warwick District Local Plan makes provision for 12,860 new homes for the plan period (2011-2029) in Policy DS6 (Level of Housing Growth). Policy DS7 (Meeting the Housing Requirement) states that 6,299 of those new homes will be delivered through site allocations in the Plan and Policy DS11 (Allocated Housing Sites) identifies a total of 41 sites.

In response to the Inspector's housing provision and delivery concerns, the Proposed Modifications to the Publication Draft of the Warwick District Local Plan increases the provision of new homes in Policy DS6 to 16,776 in response to updated housing needs evidence and the requirement to accommodate some of Coventry's unmet housing need. Policy DS7 is amended to state that 9,369 new homes will be delivered through site allocations in the Plan and Policy DS11 identifies a new total of 50 allocated housing sites including the subject of this representation; Land South of Wasperton Lane, Barford (site ref. H47). It is suggested that the land could accommodate approximately 30 dwellings.

## Site Context

The site comprises 1.31 hectares agricultural land on the eastern edge of a built-up area of Barford, south of Wasperton Lane. The land subject to this representation forms part of a larger, well-defined, parcel of agricultural land of approximately 18 hectares spanning southwards and eastwards into the open countryside. The attached Site Plan shows the extent of this larger land parcel. Wasperton Farmhouse, which is identified as a Grade II listed building, is located approximately 200 metres to the south of the subject land.

The client's objections to the proposed allocation of 30 dwellings on the land subject to this representation are set out below.

### **1. Agricultural Land Classification**

According to Natural England's Agricultural Land Classification Map for the West Midlands Region (2010), the land subject to this representation has an Agricultural Land Classification Grade 2 (Very Good). Grade 2 land is associated with moderately well-drained soils of the Arrow series and well-drained soils with gravels at moderate depth.

The Government's National Planning Policy Framework (NPPF) (2012) defines land in grades 1, 2 and 3a of the Agricultural Land Classification as the 'best and most versatile agricultural land'.

Paragraph 112 of the NPPF states that

*"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".*

Paragraph 143 of the NPPF states that

*"In preparing Local Plans, local planning authorities should be...safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources..."*

In addition, both adopted and emerging Local Plans for Warwick District also highlight the importance of protecting the best and most versatile agricultural land from development.

Policy DP3 (Natural and Historic Environment and Landscape) of the adopted Warwick District Local Plan 1996-2011 states that

*“Development proposals will be expected to demonstrate that they...protect best and most versatile agricultural land.”*

Policy NE5 (Protection of Natural Resources) of the submission version of the emerging Warwick District Local Plan (February 2015) similarly states that

*“Development proposals will be expected to demonstrate that they...avoid the best and most versatile agricultural land unless the benefits of the proposal outweigh the need to protect the land for agricultural purposes.”*

Paragraph 5.212 (Agricultural Land) of the submission version of the emerging Local Plan states that the best and most versatile agricultural land should

*“...be protected in recognition of the increasing need to produce food locally due to climate change. This need is increasing due to the anticipated reduction in the ability of countries continuing to export food to the UK due to increased flooding, erosion or drought.”*

The paragraph also states that development affecting the best and most versatile agricultural land will not be permitted unless it is demonstrated that development of lower grade land would have adverse sustainability impacts (including impacts regarding biodiversity, natural resources, landscape character, conservation of heritage assets and suitability of location).

The emerging policies and paragraphs of the submission Local Plan have not been subject to any proposed modifications in 2016.

Based on the identified NPPF and Local Plan policies (both adopted and emerging) which are material considerations in planning terms; allocation of this Grade 2 agricultural land for housing development is not acceptable in principle as the local planning authority should be safeguarding the best and most versatile agricultural land and seeking to develop on poorer quality land.

Development of the site would result not only in the perpetual loss of 1.31 hectares of Grade 2 agricultural land but in my view could also have a detrimental effect on the quality of the larger (approx.18 hectares) land parcel (described in the Site Context). The loss of good quality agricultural land would significantly affect the overall agricultural enterprise opportunity that it presents.

## **2. Physical Constraints and Impacts identified in the SHLAA**

The site subject to this representation is included in the SHLAA 2015 update and was also previously included in the SHLAA 2014 and the SHLAA 2013 – Village Sites Update.

In each of the SHLAAs (particularly the 2013 and 2014 iterations where the site is discounted), physical constraints and potential development impacts are emphasised that put into question the overall suitability of the site for development.

The updated and previous SHLAAs each identify that due to trees on the site frontage and western edge, a strong re-defined boundary would be required in order for any new development to relate well to the existing

built-up area of Barford. Conversely, sensitive design would also be required to avoid a hard settlement edge which would not be in keeping with the character of the village.

The site is also identified in all three assessments as having a high/medium landscape value. In assessing the overall suitability of the site for development, the 2013 SHLAA – Village Sites Update identifies the potential risk of development of the site encouraging further erosion of the wider agricultural landscape in the area and also encouraging sprawl. The 2014 SHLAA identifies the site as unsuitable for development overall, due to ‘impact on an area of high landscape value’. More recently, the Overall Greenbelt/Greenfield Parcel Assessment Summary (as per the Village Sites Appraisal Matrix 2016) identifies the site as a ‘*Significant Green Field area that plays a very important role in maintaining the open character and setting of the village.*’

The three SHLAA assessments also identify the risk of surface water flooding on parts of the site. This is confirmed by Warwickshire Council’s Strategic Flood Risk Assessment (SFRA) Flood Map for Surface Water which identifies the majority of the site as an area of ‘surface water flooding (>0.1m)’ and a smaller part of the site as an area of ‘deeper surface water flooding (>0.3m)’.

In my view, as concluded in both 2013 and 2014 SHLAAs, the constraints and impacts identified continue to have a significant bearing on the in-principle suitability of the site for development and should not be overlooked. The development of this site would have detrimental effect on the character of the open countryside and setting of the village.

### **3. Effect on the Setting of the Listed Building**

As mentioned above, the site subject to this representation is approximately 200m north of the Grade II listed Wasperton Farmhouse.

With regard to Listed Buildings, Paragraph 132 of the NPPF states that

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...”*

*... Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.”*

In addition, Policy DAP4 (Protection of Listed Buildings) of the adopted Warwick Local Plan 1996-2011 states that

*“...Development will not be permitted that will adversely affect the setting of a listed building.”*

The principle of the above statement is also included in Policy HE1 (Listed Buildings) of the submission Warwick District Local Plan (February 2015) and Policy B6 (Heritage Assets) of the Submission Version Barford Neighbourhood Development Plan 2014-2029 (see below).

In my view, the subject site abuts the track which provides an access to the listed building from Wasperton Lane. Development would bring the built area much closer to the listed building which is currently surrounded largely by open countryside. The development of the site would result in substantial harm of the setting of the listed building and be contrary to the emerging and adopted Local Plan Policies as well as the guidance in the NPPF.

#### 4. Emerging Neighbourhood Development Plan

Barford, Sherbourne and Wasperton Joint Parish Council have prepared a Neighbourhood Development Plan (NDP) for the area entitled 'Barford Neighbourhood Development Plan 2014-2029'. The Plan has been through public consultation and an independent examination; the Examiner published a report of his findings in November 2015. In the report, the Examiner commends the Submission Version NDP for being "*well written, logical, clear, appropriately concise and intelligible.*" The Examiner also sets out a number of recommended modifications. Warwick District Council is now considering the Examiner's recommendations and is due to publish a response shortly. Once the NDP is adopted, it will be a material consideration in planning terms and will form part of the Development Plan for Warwick District.

Of relevance to the subject site, Policy B1 (Future Housing Development) of the Submission Version NDP refers to paragraph 5.7 which identifies four preferred sites for new housing. The land south of Wasperton Lane is not considered or identified as one of these preferred housing sites. In his report, the Examiner recommends the wording of the policy is amended to include that new housing development proposals will only be permitted where it does not conflict with the policies of the Neighbourhood Plan. The recommendation refers particularly to Policy B10 which seeks to preserve open space and views.

Policy B10 (Protection and enhancement of Local Green Spaces) of the Submission Version NDP identifies several woodland, coppices and spinneys as sites of nature conservation value which should be protected; Wasperton Lane is identified specifically as a 'Green Corridor'. In addition, Paragraph 5.39 identifies the views west along Wasperton Lane as being a protected view or vista. As explained previously, development of the land south of Wasperton Lane would require a new boundary treatment; however this may have a significant detrimental impact on the site of nature conservation value and/or protected view associated with Wasperton Lane as well as the setting of the listed Wasperton Farmhouse.

Policy B9 (Agricultural Land) of the Submission Version NDP seeks to prevent irreversible development of the best and most versatile agricultural land as set out in national and local planning policy. In his report, the Examiner recommends adding wording to permit irreversible development of open agricultural land in the case that it meets the need for development stated in the Local Plan that cannot be met on more appropriate land. This relates directly to the proposed allocation and implies that evidence would be required to demonstrate that more appropriate land has been considered prior to the allocation.

Based on the NDP policies identified above, even if Examiner's recommendations are implemented, in my view the proposed allocation would be contrary to the emerging policies of the Barford NDP.

#### Summary and Recommendation

In summary, we believe that for the reasons set out above, the Land south of Wasperton Lane (identified as site reference H47) is not suitable as an allocated site for housing in the Warwick District Local Plan. The site forms part of a larger, well defined, parcel of good quality agricultural land. The loss of good quality (Grade 2) agricultural land would significantly affect the overall agricultural enterprise opportunity as at present. There are also a number of physical constraints and impacts as identified in previous assessments of the site which diminish the overall suitability of the site for development, these include boundary treatment, high landscape value and risk of surface water flooding on the site. In addition, development of the site would significantly harm the setting of the Grade II listed Wasperton Farmhouse which is currently surrounded predominantly by open countryside. The proposed allocation is also not considered in the Submission Version of the Barford NDP; development of the site would have a harmful impact on the site of nature conservation value and protected views associated with Wasperton Lane which are both identified in the Submission Version NDP.

With regards to proposed modifications, we therefore request that the Land south of Wasperton Lane, identified as site reference H47, is withdrawn as an allocated site for housing in Policy DS11 of the Warwick District Local Plan. We also request that the Growth Village Envelope (defined by Local Plan Policy H10) in

the Local Plan Policies Map for Barford is subsequently amended so that it does not include the area of Grade 2 agricultural land currently occupied by the proposed allocation.

We trust that the above and the enclosed Site Plan will be given due consideration in the next stage of the Local Plan Examination. If you have any queries or wish to clarify matters at this stage, please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink that reads "Vickesh Rathod". The signature is written in a cursive style with a horizontal line underlining the name.

**Vickesh Rathod**  
**Graduate Planner**

E: [Vickesh.Rathod@carterjonas.co.uk](mailto:Vickesh.Rathod@carterjonas.co.uk)  
T: 01865 404471  
M: 07780 667074

Enc. Site Plan