

**SOUTH WARWICKSHIRE LOCAL PLAN: ISSUES  
AND OPTIONS CONSULTATION (MARCH 2023)**

**Shuckburgh Road, Priors Marston**

**Prepared by Fisher German LLP  
On behalf of Jonathan Church**



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# 01 Introduction

- 1.1 This report is prepared by Fisher German LLP on behalf of Mr Jonathan Church in respect of his land interests at Shuckburgh Road, Priors Marston. Shuckburgh Road, Priors Marston was formally a reserve site in the emerging Stratford upon Avon Site Allocations Plan. The reasons why the site was removed are challenged and evidence is being prepared to support its re-inclusion. The land is provided at Figure 1 below.



Figure 1 – Shuckburgh Road, Priors Marston

- 1.2 These representations follow the order of questions as they appear in the consultation document. Should you have any additional questions, do not hesitate to contact the author.

## 02 Representations

Q-S2: Please select all options which are appropriate for South Warwickshire

Option S2a: Identify areas considered particularly suited to intensification development and develop a design code for each character area. Have a policy supporting intensification within these identified areas where it complies with the relevant design code.

- 2.1 Whilst we do not wholly object to the use of some intensification (S2a), we do not consider it is a tool which can reasonably be used too widely (S2b). Intensification is likely most appropriate in locations which can utilise Transit/Transport Orientated Development principles, so in those locations within close proximity (no more than 800m) to existing transport hubs, particularly train stations. There may be some opportunities through the development of new hubs or interchanges to utilise this. Beyond these locations, generally we consider intensification (S2c) to be inappropriate for most locations across the Plan area. Such developments were utilised considerably in the 1990's and 2000's and many such places suffer due to car prevalent street scenes and lack of public realm and amenity space.

Q-S4.1:

**Do you think that growth of some of our existing settlements should be part of the overall strategy?**

- 2.2 Yes, it is considered vital for the long-term vibrancy, vitality and balanced demography of settlements that they receive a commensurate level of growth through the Plan period. Organisations such as the CLA (Strong Foundations, 2018) have clearly demonstrated the harms arising when communities are not attributed sufficient growth, or have been declared unsustainable, thus restricting growth almost entirely. Not allowing growth in settlements with a service offer ultimately leads to a patterns of ageing, gentrification and the decline of rural services, facilities and public transport routes. It is difficult to see therefore how a strategy could reasonably or sensibly be advanced which does not provide for commensurate growth throughout the spatial strategy.

Q-S5.2:

**Do you think new settlements should be part of the overall strategy?**

- 2.3 Whilst again we have no inherent objection to the promotion of a new settlement as part of the overall strategy, care must be taken when establishing both whether the new settlement would be deliverable (having regard for infrastructure costs, land ownership and phasing), and if so, when it will be delivered and at what rate of delivery. It is a common pitfall of modern Local Plans that Plan's place a high reliance on the delivery of new strategic development which inevitably takes significantly longer than anticipated within the Plan's trajectory, thus resulting in shortfalls in delivery, both in total quantum and five-year supply.
- 2.4 Having regard for the proposed Plan period, there is significant time to ensure that a new settlement has sufficient lead in times and a sensible rate of development, as a facet of the overall planning strategy and distribution, rather than the key individual pillar for delivery.
- 2.5 Subject to sensible assumptions in respect of build out rates in the trajectory, and significant evidence on delivery and viability (not reliant on grant funding which cannot be guaranteed for example), we have no objection to the identification of a new settlement as part of this Local Plan. Delivery should not be anticipated until the mid 2030's having regard for the quantum of work needed, including the progression of the Local Plan, determination and approval of planning applications, infrastructure delivery, groundworks, etc, before real delivery will commence. We will however object if there arises a significant and unrealistic reliance on delivery, or if insufficient evidence is provided regarding the deliverability of any new community proposal.

Q-S5.3:

**In response to the climate change emergencies, we are looking at rail corridors as a preferred approach to identifying potential locations. Do you agree?**

- 2.6 Whilst delivery of development with good access to rail is of course a benefit, there is significant risk with an overreliance on this as an integral part of the Plan's strategy. Rail is not an affordable method of transport for many (with further price rises imminent), particularly those who will still require or want to own a private car. This approach therefore risks strategically intensifying development into corridors assuming people will use the train daily, when a vast majority will not. This will result in intensification of use of the road network in a geographically limited area. If this approach is to be found sound, as per the requirements of the NPPF, the Council will need to provide evidence to justify this approach. This will include evidence that a rail orientated pattern of

development actually leads to a significant increase in train patronage. If such causality cannot be demonstrated, it is not likely to be justified or effective as a strategic spatial planning strategy.

#### **Issue S6: A review of Green Belt boundaries**

- 2.7 Whilst no specific questions are asked within the consultation document relating to the undertaking of a Green Belt review, we would make the following comments. Whilst we support the use of a Green Belt review being undertaken, to increase the Council's background evidence base in respect of the Local Plan, the Council are reminded that Green Belt should only be removed in exceptional circumstances which will need to be clear and demonstrable, particularly in the context that the authority is not washed over by Green Belt and thus there are significant opportunities for delivery of needs without Green Belt release. Specific justification would be required to demonstrate why the release of Green Belt was exceptionally required against such non-Green Belt delivery, including justification for every single site proposed for release from the Green Belt.

**Q-S7.2:**

**For each growth option, please indicate whether you feel it is an appropriate strategy for South Warwickshire:**

#### **Option 5: Dispersed**

- 2.8 Ultimately we consider that the eventual growth option selected is likely to include a combination or hybrid of growth options. Whatever the configuration of any eventual selected strategy, we consider any strategic solution for the distribution of growth must include an element of dispersed growth through the spatial strategy. This would ensure that growth is directed down the spatial hierarchy in a commensurate manner, to ensure that the benefits of new growth, inclusive of new affordable housing, retention of younger people, new homes for downsizing, are spread throughout the Plan area. Failure to do so will leave more rural locations to fall into a cycle of decline - as services, facilities and public transport routes become unviable and are lost. As such communities could age, and by the end of the Plan period be less sustainable and balanced than they are today.
- 2.9 The benefits of dispersed distribution are not linked purely to social sustainability however. There is a requirement in national policy to ensure that there is choice and competition in the land market. This ensures that there is a healthy market for housing land, catering for housebuilders of different sizes serving different markets. One of the key issues facing Small and Medium housebuilder for example is the lack of smaller sites coming onto the housing market. Such sites can often be

overlooked for allocation, despite a requirement in the NPPF to provide 10% of housing land on smaller sites of 1ha or less. This is combined with a more turbulent position in respect of planning applications, which discourages speculative applications from SME builders or promoters means there is a lack of suitable sites available to serve this part of the market. Distribution down the spatial hierarchy, enabling commensurate growth in more rural locations enables the opportunity to positively allocate smaller sites, both to feed this part of the market, but also to ensure compliance with Paragraph 69 of the Framework.

- 2.10 The outcome of the above also serves to add choice and competition in the housing market, encouraging higher rates of market absorption which encourages additional delivery.
- 2.11 This can provide a not unsubstantial facet of supply, without placing significant pressure on any one settlement. It is more likely to be deliverable in the short term than strategic development, and there is less risk of non-delivery of individual sites, given individually they make a minor contribution to the overall supply position.
- 2.12 On the above basis there is compelling justification for an element of dispersed growth as part of the overall spatial strategy adopted by the Plan.

**Q-S8.1:**

**For settlements falling outside the chosen growth strategy, do you think a threshold approach is appropriate, to allow more small-scale developments to come forward?**

- 2.13 With the exception of minor hamlets with no service offer, we do not believe a strategy should be adopted which excludes commensurate growth in such settlements as discussed in our response to Q-S7.2. If such a strategy is adopted, then the Plan must make reasonable provision for sensible growth in more rural settlements which have a service offer. A threshold approach could be appropriate, albeit rather than a dwelling limit, which is relatively arbitrary and does not allow for sensible planning judgement, we prefer an approach wherein the limit is variable and can depend upon things such as host settlement size or sustainability. For example, settlements can have suggested percentage growth tolerances, such as 15% increase in the number of dwellings for example. These however should be advisory, and never hard caps as this is not consistent with the NPPF, particularly over a significant Plan period. This approach will offer more flexibility in the market, and support and encourage a more buoyant SME housing industry. This approach is fundamentally more flexible, proportionate and positive than an arbitrary dwelling target, which will not reflect the various sustainability credentials of each settlement, nor any specific local opportunities which may arise through the Plan period.

Q-S8.2:

**For sites coming forward as part of this threshold approach, what do you think would be an appropriate size limit for individual sites?**

- 2.14 As discussed in relation to Q-S8.1, we do not believe that a threshold approach should sensible use as blunt of a policy tool as a 10 dwelling limit, or variation of that approach. This is highly inflexible and may provide false security that 10 dwellings is acceptable in small settlements, and an unacceptable limit in larger, more sustainable settlements where sites may reasonable deliver over 10 dwellings, or may better take advantage of the site being developed for example (in accordance with Chapter 11 of the Framework). Such as the availability of a suitable site that can be appropriately be fully delivered for 14/15 dwellings should not be restricted from doing so due to an inflexible policy approach.
- 2.15 Another issue with the enforcement of a 10 dwelling limit is it will limit the contribution made in terms of tariff style 106 contributions and affordable housing. This means communities will grow, but without the associated contributions were required for local service and infrastructure improvement.
- 2.16 A unit limit is ultimately entirely arbitrary and the Council should seek to introduce something which is both flexible and positive in approach if they do not intend to allocate to themselves, to ensure the benefits of growth are spread throughout the Plan area and to ensure the Plan is as robust, flexible and positive in its approach.

**Q-S9: Please select the option which is most appropriate for South Warwickshire**

**Option S9b: Within this Part 1 Plan, review which settlements have boundaries defined and which do not, as well as the extent of any such boundaries**

- 2.17 Having regard for the proposed Plan period, it is considered inappropriate to not consider the appropriate settlement boundaries for all settlements. Clearly settlements evolve and change over time, as they have done in some cases for hundreds, if not thousands of years. As a policy tool, settlement boundaries can function to intensify and urbanise settlements, where they may be better served to grow slightly and commensurately. Whilst positive allocations, or a sensible approach in respect to a policy for allowing settlements to grow is preferable, this should be done alongside a sensible review of settlement boundaries to suitably serve them for the Plan period.



- 2.18 If the Council is to not critically examine settlement boundaries, or adopt positive policies enabling commensurate settlement growth, we will object to any windfall allowance as clearly suitable sites within a settlement is a finite resource and cannot be expected to continue delivery in perpetuity.

Q-H1-1:

**The HEDNA is proposing that we move away from an approach where future household needs are based on the 2014-based household projections towards a trend-based approach. Do you think that the HEDNA evidence provides a reasonable basis for identifying future levels of housing need across South Warwickshire?**

- 2.19 The Government, through the PPG and NPPF, are clear that in most cases, Local Housing Need as derived from the standard method is expected to form the basis of a Local Authorities housing requirement. However, there is clear guidance within the PPG that deviation from the Standard Method is acceptable in exceptional circumstances. In this instance, through the HEDNA, the HMA authorities have set out an argument that the housing requirement for Coventry has been overquantified, and this is demonstrable utilising latest Census data. The HMA propose therefore to utilise a trend-based approach to establish the housing requirement for all authorities. We have no specific comments on this assertion, but would make the following broad comments relating to the eventual 'policy on' housing requirement.
- 2.20 Whilst the Plan suggests that it is not helpful to meet affordable housing needs by building more market housing, we do not agree with this conclusion and seems to have been included in the Plan to counter arguments that affordable housing need likely necessitates additional housing growth. The HEDNA demonstrates significant affordable housing need within the Plan Area. Whilst the HEDNA correctly warns against trying to directly correlate housing supply with affordable housing need, it is not convincing that the acute need for affordable housing within the Plan area does not require some form of uplift as an integral part of the calculation. Whilst it is clearly not appropriate to deliver a rate of housebuilding to meet the affordable need in full, having regard for the high level of affordable housing need, we do consider some form of uplift remains entirely justified.
- 2.21 The PPG is also clear that it is necessary to robustly calculate the housing requirement, prior to and independently from any robust assessment of the ability of an area to meet that need. It is further important to ensure the housing requirement reflects the needs of the Plan area, prior to considering the level of unmet needs an area can deliver (we respond to this point in response to Q-H4-2 and Q-H4-3).

- 2.22 One issue with the proposed approach adopted within HEDNA relates to the 35% uplift applicable to Coventry City as step 4 of the Standard Method. Whilst the approach adopted by the HMA may be correct, and thorough Examination will draw this out, thus it will need to be fully justified. However, we are concerned that this approach negates the reason why the 35% uplift is applicable.
- 2.23 The 35% uplift was introduced to increase the supply of housing nationally, in the most sustainable locations. This is to get the Country's housebuilding as close to 300,000 annual target as possible. The 35% uplift does not reflect local need (though is applicable to it), and relates to a requirement to deliver uplifts nationally. Thus in terms of national need, some form of uplift remains required, if not in Coventry then within the HMA. Without this, then a significant quantum of supply will be lost, locally, regionally and nationally in direct conflict with the reasoning why the 35% increase was delivered. As such, some form of uplift sensibly remains applicable, though having regard for the issues of Coventry City's capacity, this may need to be dispersed within the HMA. This need remains independent of unmet need, as they solely relate to local need.

Q-H2-1:

**What is the best way to significantly increase the supply of affordable housing across South Warwickshire?**

- 2.24 Whilst we would have no fundamental objection with any approach, we consider Option H2-2b or H2-2c are likely to be preferable for the following reasons. Whilst it is an acceptable solution to view affordable housing on a Plan area basis, this risks the ability to locate specific or acute issues that can be better established on either a Local Authority or more local basis. A localised approach, as advocated through Option H2-2c is considered likely to be preferable in that it will more clearly demonstrate localised problems where they exist, which could serve to stimulate intervention, through for example an exception scheme. This ensures that affordable housing delivery best meets the needs of those who require it, and does not enforce people being moved far away from their current locations which could have significant social impacts, such as social isolation or a lack of support.

Q-H4-2:

Please add any comments you wish to make about the scale of the shortfall from the Birmingham and Black Country HMA that South Warwickshire should accommodate within the South Warwickshire Local Plan

- 2.25 The significant level of unmet need within the region and HMA are now well established. The NPPF is clear about the scenarios wherein it is possible to deny a legitimate request from a neighbouring authority for support to meet unmet needs. These are where;
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area (footnote 7 of the NPPF); or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 2.26 Whilst the Plan area includes areas protected by footnote 7, it is not so prevalent as to justify a failure to meet a quantum of unmet need from the HMA. Moreover, in accordance with the PPG, the Plan should establish its fair quantum of unmet need as part of the housing requirement process, independently from, and prior to establishing the ability of the area to meet that need. It is not compliant with the PPG to establish a notional capacity for development, then simply offer that as a contribution to unmet needs. Conversations need to be held at a strategic level, establishing the quantum of unmet needs in full, and this distribution of this need being agreed through Statements of Common Ground. This should then be reflected in the adopted housing requirement.
- 2.27 The Plan should also be clear as to what quantum of what unmet need it is meeting. It is not suitable to simply supply a number as a contribution to meeting the needs of all, each contribution needs to be individually and specifically quantified, as this will directly inform future conversations and Local Plan examinations. For clarity, this means the Plan should be clear how much unmet need it is proposing to meet as part of its housing requirement for Coventry, Birmingham and the Black Country.

Q-H4-3:

**If we are required to meet housing shortfalls from outside of South Warwickshire, how best and where should we accommodate such shortfalls?**

2.28 The most appropriate way to meet unmet housing is to add it to the overall housing requirement (in accordance with the PPG and NPPF) and distribute that housing requirement through the spatial hierarchy in accordance with the adopted special strategy. It is not considered appropriate to try and deliver specific sites, particularly strategic, with the sole aim of meeting unmet needs, as clearly there are no controls that can be placed on ensure the development is actually utilised in that manner. Given it is impossible to control the actions of individuals and where they will wish to live, there is no policy justification for this approach. Distribution through the spatial strategy will ensure the Plan is internally consistent and logical, and also will provide choice and competition in the market for housing, which will serve the range of people whose needs may be unmet in their current or desired location.

## 03 Shuckburgh Road, Priors Marston

- 3.1 Please refer to our previously submitted Call for Sites form and site location plan.
- 3.2 We have supported the identification of our client's land east of Shuckburgh Road, Priors Marston as a reserve site in the emerging Stratford Site Allocations Plan. This site is a logical and sustainable extension of the settlement and can come forward early in the Plan period as an allocation, or as early release reserve site - a fact acknowledged by Stratford Council's initial timescales for the site (within the emerging evidence base), being able to begin delivery within 1-5 years.
- 3.3 In respect of the site's constraints, Stratford Council has initially set out that the site is generally unconstrained. The assessment claims that there is a TPO on the western boundary of the site, however there is no specimens onsite so must have been removed or died prior to the TPO being digitised. As a result, there would be no harm arising from development of the site. The SHLAA assessment should be amended as such. A tree survey will be completed, and sufficient root protection zones established with regards to other such trees onsite to inform design proposals. Whilst the Council then subsequently raised concerns in respect of heritage harm, evidence is being produced to demonstrate the level of harm is on the lower end of the spectrum and with mitigation through design, certainly not sufficient to warrant that the site should not be allocated or developed.
- 3.4 In respect of the Public Right of Way adjacent to the site, this forms the site's eastern boundary. Again, this will inform design proposals. Whilst the site is judged to have a medium impact on Agricultural Land Quality within the Council's evidence, the proposed site is relatively small, and will make a negligible impact on overall supply of agricultural land.
- 3.5 The site is also judged to be inside a special landscape area, however this impacts every site within Priors Marston. Development would be restricted to the southern edge of the site, where it will be seen in the context of the existing settlement. The Stratford Landscape Sensitivity Study (2012) sets out that "This zone comprises part of an area of intensively managed mixed farmland, that has lost most of its historic field pattern enclosed by woodland and landform. Henry's Wood plantation strongly divides the zone, with the field to the south more associated with the settlement and enclosed." Furthermore, any scheme will be supported by appropriate boundary treatments, which will further lesson any impacts.

- 3.6 The site is adjacent to Priors Marston Conservation Area, however, the neighbouring dwellings on Shuckburgh Road are predominantly more modern properties, and as such new development will be seen more in this regard, rather than the older core of the village. It is considered that a high-quality, landscape and constraint led scheme, will have less than a significant impact on the Conservation Area, and any impacts will be marginal and localised. It should be noted that the landowner is committed to delivering a high-quality scheme on the site and has opted to self-promote rather than use a land promoter, in order they will have the final say on which builder is selected to deliver the dwellings onsite. This commitment to quality cannot be guaranteed on other sites and will ensure a high-quality development is brought forward which will add to the village in a positive way. Such delivery would add a mix of houses to the village, vital to ensure that there remains a healthy, mixed population. The provision of affordable housing will also be highly welcomed, particularly given the lack of affordable delivery in recent years. The provision of new housing is vital in such communities, and will assist in supporting local services and facilities, which have been lost in other settlements. The site is a short walk into the village, along the adjacent Public Right of Way, which extends from the eastern boundary of the site southwards into the village to the church, village hall and public house. This enables a fast and safe route into the village without the need to use the main road. This route can be improved as an integral part of development proposals.
- 3.7 The proposed development of the site respects the villages form and character, as well as historic growth patterns, as shown on the Priors Marston Conservation Area Review. Growth to the west beyond the existing building line would create an unusual and unwarranted intrusion into the countryside, whereas growth to the east would not fit with the loose grain of the settlement's built form. Development to the east is likely to have a greater impact on the Conservation Area in that there are a number of key listed buildings to the east of the settlement. Development on land south of Hellidon Road would have a significant impact on the Conservation Area, given this is a key open space in the centre of the village. Many of the sites at Priors Marston within Stratford Council's Call for Sites register are disconnected or poorly related to the existing built form of the settlement.
- 3.8 On the above basis, it is considered that the site East of Shuckburgh Road remains one of the most favourable sites in Priors Marston and should be considered for allocation as a part of a dispersed pattern of development adopted within the overarching spatial strategy of the emerging joint Plan. The delivery of 20-30 dwellings is considered entirely proportionate to the size of Priors Marston and would constitute a commensurate and sustainable level of development. The delivery of these dwellings could provide a mix of houses to satisfy local needs, providing family housing and housing suitable for downsizing. The scheme could deliver a policy compliant level of affordable housing, which otherwise may not be delivered in the village. The site had already been assessed

as acceptable in the emerging Stratford Site Allocations Plan and this position is expected to return on submission of heritage evidence. This Plan therefore offers an opportunity to ratify the site as an allocation as part of the emerging joint Plan.