

Ropley Neighbourhood Development Plan 2018-2028

**A report to East Hampshire District Council on the
Ropley Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by East Hampshire District Council in January 2019 to carry out the independent examination of the Ropley Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 15 February 2019.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the Plan area. There is a very clear focus on safeguarding its rural character. It includes three housing allocations. The Plan seeks to respond to its very distinctive settlement pattern.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Ropley Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
15 April 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Ropley Neighbourhood Development Plan 2018-2028 ('the Plan').
- 1.2 The Plan has been submitted to East Hampshire District Council (EHDC) by Ropley Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues. It responds positively to the distinctive settlement pattern. It includes three proposed housing allocations and a package of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood development plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by EHDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both EHDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.11 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. This is a comprehensive document which provides appropriate reassurance that these important matters have been properly considered. The conclusion of the screening report was that there would be likely significant environmental effects as a result of the production of the Plan. As such it specified that a Strategic Environmental Assessment was required.
- 2.7 Following this decision the Parish Council commissioned a Strategic Environment Assessment. The resulting report is both comprehensive and well-presented. The SEA process assesses the policies put forward through the emerging Plan. It uses the SEA Framework of objectives and assessment questions developed during the earlier scoping stage of the SEA. The Environmental Report presents the findings of the assessment under the following SEA themes: Biodiversity and Geodiversity, Climate Change, Landscape and Historic Environment, Land, Soil and Water Resources, Population and Community, Health and Wellbeing and Transportation.
- 2.8 The SEA report also addresses reasonable alternatives to the Plan. In particular it identifies how the wider process consider eight alternative potential housing allocations and selected three sites to be incorporated in the Plan.
- 2.9 EHDC also undertook a Habitats Regulations Assessment (HRA) screening exercise on the Plan as part of the wider screening process. It follows the same comprehensive approach taken on the SEA issue. It concluded that the Plan was not likely to have any significant effect on a European site. In reaching this conclusion the report took account of the Wealden Heaths Phase II Special Protection Area and the various Solent European sites.
- 2.10 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various Regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.12 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and

- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the EHDC screening report.
 - the representations made to the Plan.
 - the Parish Council's responses to my Clarification Note.
 - the East Hampshire Local Plan: Joint Core Strategy 2014
 - the East Hampshire District Local Plan: Housing and Employment Allocations 2016
 - the National Planning Policy Framework (March 2012).
 - Planning Practice Guidance (March 2014 and subsequent updates).
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 15 February 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised EHDC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. It was subsequently updated in February 2019. Paragraph 214 of the 2018 and 2019 versions identifies transitional arrangement to address these circumstances. It comments that plans submitted to a local planning authority before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement provides specific details on the consultation process that took place on the pre-submission version of the Plan from January to March 2018.
- 4.3 The Plan sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- the holding of steering group meetings which were open to the public;
 - the production of a bi-monthly update in the Parish magazine;
 - the use of a webpage;
 - regular updates to Parish Council meetings on the Plan's progress;
 - the arrangement of three public meetings;
 - the organisation and use of a mailing list; and
 - various forms of public notification
- 4.4 The Statement provides substantial details on the comments received on the pre-submission Plan. It also sets out how the Plan responded to those representations. The Statement includes five appendices. Appendix D (Public Consultation Feedback Summary) and Appendix E (Public Consultation Detailed Feedback and Responses) are particularly important as part of this wider process. The overall exercise has been undertaken in a very thorough fashion.
- 4.5 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. I am satisfied that it meets the tests for a consultation process for a neighbourhood plan as set out in paragraphs 183 and 184 of the NPPF.

Representations Received

- 4.6 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 25 January 2019. This exercise generated comments from the following statutory bodies, local organisations and individual people
- Highways England

- Environment Agency
- Geoffrey Gray
- National Grid
- Dean Farm Partnership
- Ian Ellis (X2)
- T Hough
- Mr T Kingsland
- Simon Hombersley
- EHDC
- Nick Raynham
- Mike Gillott
- Miss I Tillen
- Historic England
- James Bevan and Friday Street Developments Ltd
- Guy Whittaker
- Mr and Mrs RL Wood
- Receivers of Hornbeam Houses

4.7 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation concerned in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The Plan area is the parish of Ropley. In 2011, it had a population of 1602 persons living in 657 households. It was designated as a neighbourhood area on 26 March 2015.
- 5.2 The neighbourhood area covers an extensive tract of largely agricultural land which is predominantly located to the south and east of the A31 Winchester Road. Ropley itself sits roughly equidistant between Winchester to the south west and Alton to the north west. As the Plan describes the neighbourhood area has a distinctive dispersed pattern of built development with each settlement or groups of dwellings having their own characters. In several cases they are connected by a network of narrow or sunken lanes.
- 5.3 Ropley is the principal settlement in the neighbourhood area. It is heavily influenced by its location in the wider natural landscape. The countryside projects into the village in a very appealing way. It contains the principal community facilities within the neighbourhood area. The other recognised settlement in the neighbourhood area is Ropley Dean. It is located to the immediate north of the A31. The Watercress Railway line is located to the immediate north of Ropley Dean. Ropley Station is a major attraction both in its own right and as the locomotive depot for the preserved railway line.

Development Plan Context

- 5.4 The development plan context is comprehensive and has provided a clear framework for the preparation of the neighbourhood plan.
- 5.5 The East Hampshire District Local Plan Joint Core Strategy was adopted in 2014 by both EHDC and the South Downs National Park Authority. It provides the context against which the Plan can be assessed as part of the basic conditions.
- 5.6 The neighbourhood area is affected directly and indirectly by a series of policies in the Local Plan. The following policies have a particular impact on the Plan:

- CP2 Spatial Strategy
- CP10 Spatial Strategy for housing
- CP13 Affordable housing on residential development sites
- CP14 Affordable housing for rural communities
- CP16 Protection and provision of social infrastructure
- CP19 Development in the countryside
- CP20 Landscape
- CP23 Gaps between settlements
- CP29 Design
- CP30 Historic Environment

- 5.7 Within the context provided by the Local Plan Ropley and Ropley Dean are identified as ‘Other settlements with a settlement policy boundary’ in Policy CP2. Such settlements are identified as a Tier 4 settlement within a five-tier hierarchy. All the other smaller settlements and/or groups of dwellings in the neighbourhood area fall within Tier 5 in the settlement hierarchy as small rural settlements/hamlets in the countryside. The other more detailed policies have provided a helpful context for the development of neighbourhood plan policies.
- 5.8 The East Hampshire District Local Plan: Housing and Employment Allocations Plan was adopted in April 2016. It provides additional detail to the Local Plan: Joint Core Strategy. It allocates the following sites in the neighbourhood area for residential development:
- VL10 Land adjacent to Bullfinches, Park Lane, Ropley
 - VL11 Land at Dunsells Lane and Gilbert Street Ropley
 - VL12 Land off Hale Close Ropley
 - VL13 Land South west of Dean Cottage, Bighton Hill, Ropley Dean

Unaccompanied Visit to the neighbourhood area

- 5.9 I carried out an unaccompanied visit to the Plan area on 15 February 2019. I was fortunate in selecting a very pleasant and unseasonably warm day.
- 5.10 I drove into the neighbourhood area along the A31 from the west. This highlighted the position of the neighbourhood area in the wider landscape. It also highlighted the difference between those parts of the neighbourhood area with good accessibility to that road and those within beyond this major communications access.
- 5.11 I looked initially at Ropley Dean. I saw its relationship with the A31 and the way in which the bulk of the built development sat in a block of land between Station Hill to the west and Bighton Hill to the east. I took the opportunity look at the railway station on the Watercress Line. Its attention to period details and fittings was remarkable. I saw several locomotives in steam including Thomas the Tank engine. I also saw some excellent examples of topiary and yew trees at the station. I took the opportunity to look at the proposed housing allocation at the Chequers Inn. I saw its location adjacent to the A31 and the relationship of the existing buildings to those in the immediate area. I saw the information about the current application at that time for the redevelopment of the site for residential uses.
- 5.12 I drove into Ropley along Berry Hill and Vicarage Lane. I parked in Hale Close and took the opportunity to look at several key aspects of the Plan on foot. I looked at the proposed housing allocation off Hale Close. I saw the relationship of the site to St Peter’s Church to the south, to the wider parcel of land within it would sit to the east and to the new residential development to the west. Whilst I was in this part of the village, I looked at most of the proposed local green spaces. I walked along Vicarage Lane to the Recreation Ground and followed the footpath into the parcel of land to its

west. I walked along the footpath to the western edge of that parcel of land so that I could see Key Vista B.

- 5.13 I traced my steps back to Vicarage Lane and then walked down Hammonds Lane to look at the proposed local green spaces both to its east and to its west. Thereafter I walked back into the village centre and saw the Primary School and the village shop/post office. It was clear that I was at the very heart of the community. I carried on to St Peter's Church and saw its very damaged condition. Nevertheless, its churchyard was well-maintained and its impressive trees continue to flourish. I then looked at the historic village pond to the immediate north of Lyeway Lane.
- 5.14 I then took the opportunity to look at the outlying parts of the neighbourhood area. I went to the east to Gilbert Street and to the west to Gascoigne Lane. I then returned to the A31 and then drove along Petersfield Road to look at the distribution of development in the southern part of the neighbourhood area. I took the opportunity to drive round the Soame's Lane/Parkstone Road/Stapley Lane loop.
- 5.15 Whilst I was in this part of the neighbourhood area, I took the opportunity to look at the proposed housing allocation on Petersfield Road. I saw its relationship to other built development in the immediate area and to the wider countryside to the south.
- 5.16 I finished my visit by driving along the A31 to the east to Four Marks. This helped me to understand how the neighbourhood area related to this more significant concentration of built development to its north and east.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.11 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018/2019 versions of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Ropley Neighbourhood Plan:
- plan-led system– in this case the relationship between the neighbourhood plan and the adopted East Hampshire District Local Plan: Joint Core Strategy and the Allocations Plan;
 - proactively driving and supporting sustainable economic development to deliver new homes;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities; and
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning

policies and guidance in general terms. It sets out a positive vision for the future of the plan area. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote sensitive development. It allocates three sites for residential development. It also includes policies on settlement boundaries, settlement and coalescence gaps and Areas of Significant Visual Prominence. It seeks to safeguard community facilities and it proposes the designation of a series of local green spaces. The Basic Conditions Statement maps the Plan policies with the appropriate paragraphs in the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for new residential development (RNP18-21). In the social role, it includes policies on the occupancy restriction of housing (RNP22), public rights of way (RNP11) and local green spaces (RNP8). In the environmental dimension, the Plan positively seeks to protect the built and natural environment of the neighbourhood area. This is captured in different ways in RNP 4/9/10/12/13/14/17.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider East Hampshire District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. Subject to recommended modifications I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. This is particularly the case in respect of Policies RNP 1/2/3/5/6/24. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-6)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are proportionate to the Plan area and its subsequent policies. The Plan is well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by well-chosen photographs and maps. The photographs provide a very clear image of the neighbourhood area.
- 7.9 Section 1 provides a summary of the Plan. Section 2 is an introduction to the Plan. It usefully sets out how and when the neighbourhood area was designated.
- 7.10 Section 3 provides information about the background to the preparation of the Plan. It gives details about the consultation and engagement processes. It provides useful overlaps with the Consultation Statement.
- 7.11 Section 4 provides a profile of Ropley. In this context it sets out a useful background to the neighbourhood area. It helpfully describes its history, the settlement pattern and its demographic and economic background.

- 7.12 Section 5 comments on the planning policy context of the Plan. It helpfully provides details about the existing Local Plan and the working relationships between EHDC and the South Downs National Park Authority.
- 7.13 Section 6 identifies a Vision which is underpinned by objectives in Section 7. Both the vision and the objectives are clearly described and are distinctive to the Plan area.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

RNP1: Settlement and Coalescence Gaps

- 7.15 This policy seeks to safeguard the distinctive settlement pattern in the neighbourhood area. In particular it has an ambition to retain the separate identity of the various settlements and the other groups of dwellings and to prevent their coalescence
- 7.16 In order to achieve these ambitions the policy proposes six Gaps. Four are identified as Coalescence Gaps. The other two are identified as Settlement Gaps. The policy then comments that development will not be permitted within the various Gaps unless a series of criteria relating to the integrity of the Gap concerned and the physical and visual separation of the settlements are met. The policy has attracted representations from EHDC, T Hough and Mr and Mrs RL Wood.
- 7.17 In its local plan documents East Hampshire District Council recognises two settlements in the neighbourhood area – Ropley and Ropley Dean. Nevertheless, it is characterised by an unusual distribution of clusters of other smaller groups of built development. They are primarily focused in and around the local network of roads leading between and away from the two principal settlements. In particular there are significant contributions of built development along Gascoigne Lane and Petersfield Road.
- 7.18 The adopted EHD Local Plan: Joint Core Strategy identifies a series of ‘Gaps between Settlements’ in its Policy CP23. They do not affect the neighbourhood area. Paragraph 7.006 of the submitted Plan comments that the Plan seeks to introduce gaps which are of more local significance than the District-scale gaps identified in the Local Plan. The emerging Local Plan takes a more generalised approach to the matter. The Regulation 18 Draft Local Plan was the subject of its own consultation from 5 February to 19 March 2019 and whilst this examination was taking place. Its Policy DM24 comments that new development in the countryside must avoid reducing further the open land that contributes to the form and character of existing settlements and maintains their separate identities. Specific Gaps are no longer identified.
- 7.19 Through the clarification note process I sought advice from the Parish Council on how it had developed the policy and the extent to which it had explored other options for preventing coalescence without defining specific Gaps.
- 7.20 I was advised about how it had refined the distinction between Coalescence and Settlement Gaps during the plan-making process. My attention was drawn to the supporting text commentary about the extent of public support for a policy approach

as included in the Plan. The response also comments on the extent to which the policy would add value to existing local plan policies and the ability of the policy's objective to be achieved by way of a coalescence policy which did not identify specific Gaps.

- 7.21 I have considered these issues very carefully given the importance of the distribution of built development to the character and appearance of the neighbourhood area. I am satisfied that the policy addresses an important and distinctive matter in the neighbourhood area. Plainly its character is significantly defined by the arrangement of built development in general terms, and the open and rural character of Ropley village in particular.
- 7.22 Nevertheless the case for the definition of Coalescence/Settlement Gaps is less convincing. Gap-type policies traditionally work effectively where one or both of two circumstances arise. The first is where the gaps between settlements or between settlements and other groups of built development are limited in their size and scale. The second is where the gaps concerned are in multiple ownership and where the risk of incremental and/or piecemeal development would be significant. Either of these two circumstances would be heightened where the gaps concerned were the subject of significant development pressures.
- 7.23 On the first point I am not satisfied that the proposed Gaps represent small gaps between settlements which are under pressure of coalescence. In their different ways they are significant tracts of land. For example, the northern part of Gap 5 between North Street and Four Marks extends approximately 700 metres from the Watercross Railway line in the north to Brislands Lane in the south, and approximately 900 metres from Horse Lane in the west to its proposed eastern boundary. Some of the other proposed Gaps are of a similar scale. The smallest of the proposed Gaps (to the south of The Dene) is of a more modest scale (between 150-200 metres in extent from The Dene/A31) but does not have an obvious settlement or other group of buildings along its proposed southern boundary.
- 7.24 On the second point the majority of the land within various Gaps are in agricultural use and are large open fields. They would not be at any significant risk of incremental development which would gradually reduce the effectiveness of the existing gaps and result in coalescence.
- 7.25 In its response to the clarification note the Parish Council commented about the development pressures within and around the identified Gaps. It provided some information on planning permissions granted in recent years which were either adjacent to settlement boundaries or in the countryside. Nevertheless, I am not convinced that either the number of planning applications or the scale of development proposed in those applications represents significant development pressures.
- 7.26 In another part of its response to the clarification note the Parish Council commented that the policy was intended to resist the development of proposals in the countryside which would otherwise be supported by Policy CP19 of the Local Plan. That policy addresses development in the countryside. However, no justification for an approach

which would, by definition, depart from the strategic approach set out in the Local Plan, was provided. In any event the supporting text for that policy (paragraph 7.6) comments that ‘inappropriate types and scales of development will not be permitted in order to maintain the landscape character and quality of the countryside’.

- 7.27 In summary I consider that the specific identification of Settlement and Coalescence Gaps in the neighbourhood area is not supported by evidence. They would represent unwarranted and unnecessary planning policy restrictions affecting the parcels of land concerned. In addition, existing and emerging local plan policies do not anticipate development of a scale in the neighbourhood area that would justify the need to establish extensive Coalescence/Settlement Gaps. On this basis I recommend that the objective of the policy remains but is captured in a replacement policy which does not specifically define Settlement and Coalescence Gaps.

Replace policy with:

‘Development proposals should ensure the retention of the open character between Ropley and Ropley Dean and between the two separate settlements and other groups of dwellings in the neighbourhood area.

Proposals for the re-use of rural buildings, agricultural and forestry-related development, playing fields, other open land uses and minor extensions to existing dwellings in such parts of the neighbourhood area will be supported where they would preserve the separation between the two settlements and the settlements and the other groups of dwellings concerned and retain their individual character and appearance.’

Replace 7.007 to 7.011 with:

‘In local plan documents East Hampshire District Council recognises two settlements in the neighbourhood area – Ropley and Ropley Dean. Nevertheless, it is characterised by an unusual distribution of clusters of other smaller groups of built development. They are primarily focused in and around the local network of roads leading between and away from the two principal settlements. In particular there are significant contributions of built development along Gascoigne Lane and Petersfield Road.

This policy seeks to protect the essential countryside character of two key areas between the settlements of Ropley and Ropley Dean and between the two settlements and the other groups of dwellings. Its ambition is to prevent coalescence between these separate settlements and to protect their distinctive individual character and setting. In doing so, it will conserve the way that the main settlements sit within the wider landscape, retaining the open agricultural landscape in order to keep a clear ‘rural’ buffer between settlements.

This policy does not seek to prevent development that may otherwise be suited to a countryside location. Nevertheless, it seeks to ensure that the scale, massing and height of proposals do not result in the integrity of the separation between existing settlement and other groups of built development being undermined. Development that

is consistent with this policy might include minor extensions to existing buildings, the creation of playing fields, or other open land uses.'

RNP2: Settlement Policy Boundaries

- 7.28 This policy defines settlement policy boundaries (SPBs) for the settlements and principal groups of buildings within the neighbourhood area – Ropley Village Centre and Ropley Dean (in their capacity as settlements in the adopted Local Plan) and four other concentrations of dwellings. The supporting text highlights that, where appropriate, the policy proposes SPBs which are amendments/updates to those defined in the adopted Local Plan.
- 7.29 The policy takes a generally positive approach towards new development within the SPBs. However, its final section indicates that the development of residential garden land within any SPB will be refused unless it can be demonstrated that such development would not harm the local character of the area.
- 7.30 Paragraphs 7.015 and 7.016 identify the assessment process that the Parish Council has undertaken on this matter. It has had a clear focus on the relationship between property curtilages and the proposed SPBs concerned. The ambition of this approach has been to prevent backland development.
- 7.31 The policy has attracted a range of commentary from several of the organisations making representations to the Plan. In approaching this policy and in recommending modifications I have taken into account that it is not within my remit to examine or to propose an alternative or a potentially more sustainable plan.
- 7.32 I am satisfied that the principle of the approach taken meets the basic conditions. In particular the proposed SPBs represent the largest concentrations of built development in the neighbourhood area and where new development would be most sustainable. In addition, the policy proposes a positive approach to new development in general terms.
- 7.33 The way in which the Plan seeks to control new development of residential garden is in conflict with the positive approach taken in the wider policy. In addition, the approach to development on garden land is at odds with the wider context of the policy as, in most cases, the majority of potentially developable land within the SPBs is within the curtilage of existing dwellings. This same point is raised by several of those organisations which have made comments on this policy.
- 7.34 I recommend a modification to address this matter. It would retain the specific reference to residential garden land. Nevertheless, that part of the policy would take on a positive approach subject to a series of criteria being met. I recommend consequential modifications to the supporting text. I also recommend a modification which would correct an error in the spelling of Ropley Dean.

- 7.35 I have considered the various detailed and site-specific representations to the policy very carefully. However, I am satisfied that the Parish Council has taken a practical and reasonable approach to this matter. In particular it is the role of a SPB-type policy to define existing settlement boundaries rather than to identify potential land for new development which is adjacent to that boundary.
- 7.36 As part of this exercise I looked at Dean Cottage off Bighton Hill. I saw that it was now adjacent to Ropley Dean following the recent residential development that has taken place to its immediate south. I sought advice from the Parish Council on its decision to exclude the property from the SPB. I was advised that this related to its agricultural tie. The inclusion of Dean Cottage within the SPB would be a reasonable approach given that its relationship to Ropley Dean has changed in recent years. Equally its exclusion from the SPB would also be reasonable as it would reflect the circumstances in which it was originally constructed. On balance I am satisfied that the Parish Council has come to an appropriate decision on this matter. In any event it is not within my remit to propose an alternative plan which would be the case by extending one of the SPBs. Plainly there are opportunities for the property's owner to seek to remove the agricultural tie if sufficient evidence existed to do so.

In the first part of the policy replace 'Dene' with 'Dean'.

Replace the final paragraph of the policy with:

'Development proposals on residential garden land within a Settlement Policy Boundary will be supported subject to the following criteria:

- **they would respect the character and appearance of their immediate locality;**
- **they would reflect the scale, mass, design and layout of existing residential dwellings;**
- **they would safeguard the amenities of adjacent residential dwellings and their curtilages;**
- **they would provide off-street parking to development plan standards; and**
- **they would have appropriate and safe access to the highway network.**

Replace the second sentence of paragraph 7.015 with:

'The final part of the policy sets out the Plan's approach to potential development on residential garden land. It seeks to establish an appropriate balance between promoting new development in sustainable locations on the one hand and safeguarding the character and appearance of the various Settlement Policy Boundaries and maintaining residential amenity on the other hand.'

RNP3: Vistas and Visual Prominence

- 7.37 This policy is another important component of the Plan. It identifies a series of Key Vistas and Areas of Significant Visual Prominence (ASVP). The supporting text highlights the quality of the landscape in the neighbourhood area in general terms and the various panoramic views over extensive pasture and arable fields in particular. I

saw this appealing nature of the neighbourhood area during my visit. It included the way in which the countryside and the settlements had an interconnected relationship.

- 7.38 The policy has attracted a series of detailed representations. I have considered all these representations in assessing this policy against the basic conditions. Where appropriate I make specific reference to the representation concerned.
- 7.39 In general terms I am satisfied that the policy has been well-considered. It clearly reflects the character and appearance of the neighbourhood area and is distinctive in terms of its approach to this matter. In particular I am satisfied about the different role and functions of the proposed Key Vistas and the proposed Areas of Significant Visual Prominence.
- 7.40 Agents acting for the owners of Ropley Lime Quarry have drawn my attention to the intention to recommence mineral extraction at the Quarry. It is shown as being within one of the proposed ASVP. Information provided to me by EHDC from the County Council advises that whilst such discussions are taking place the chalk pit is dormant in planning terms and that a series of planning conditions need to be discharged before any further extractions can commence. On this basis I am satisfied that the Parish Council's approach to this matter is proportionate and evidence-based. Within this context the County Council will have the ability to give this policy in any made neighbourhood plan whatever weight it sees fit in its own decision-making process.
- 7.41 The policy's approach is negative rather than positive. This matter is raised by several of those making representations. In some cases, alternative wording is proposed. I recommend that this matter is addressed by way of a modification. Its effect would be largely neutral.
- 7.42 I also recommend a modification to the second part of the policy that refers to views towards the South Downs National Park. Its effect will be to make the policy more general rather than one which has a reference towards unidentified key landmarks.

Replace the first and third parts of the policy with:

'Key Vistas and Areas of Significant Visual Prominence are shown on the Proposals Map.

Where appropriate development proposals should take account of the identified Key Vistas and Areas of Significant Visual Prominence in terms of their location, design, massing and appearance.

Development proposals that would have an unacceptable adverse impact on the visual appearance or character of an identified Area of Special Visual Prominence or on an identified Key Vista will not be supported.'

Replace the second part of the policy with:

'Development proposals should conserve and where possible enhance the visibility of the South Downs National Park from the neighbourhood area'.

RNP4: Trees, Hedgerows, Verges and Banks

- 7.43 This policy applies to trees, hedgerows and banks, I saw their wider contribution to the environment of the neighbourhood area as part of my visit.
- 7.44 The policy has two parts. The first is that new development should retain existing trees and hedgerows and that any new landscaping should be of indigenous species. The second is that verges and banks should not be modified to accommodate parked vehicles.
- 7.45 I am satisfied that in general terms the first part of the policy meets the basic conditions. The use of indigenous species will be particularly important to the successful integration of new development within the wider landscape. I recommend that the word 'healthy' is deleted from the policy. It would be impractical to apply a policy which included the word through the development management process.
- 7.46 The second part of the policy takes an understandable approach to the potential impact of parked vehicles on verges and banks. However, it would be impractical to apply both in its own right and in association with permitted development rights. On this basis I recommend its deletion.

In the first part of the policy delete 'healthy'

Delete the second part of the policy.

RNP5: Narrow Lanes

- 7.47 The policy refers to narrow lanes. As I saw on my visit to the neighbourhood area that there is a rich heritage of ancient lanes dating back to mediaeval or Saxon times. The supporting text refers to their attractiveness and their use by walkers, horse riders and cyclists.
- 7.48 The policy and paragraph 7.024 address this issue by proposing an approach which would not support the development of more than five dwellings where the access would be onto a narrow lane unless the access point is within 125 metres of a two-vehicle width road. I have sympathy with the approach taken in the policy. Nevertheless, it is a rather blunt tool. In any event development within the Plan period will be concentrated within the SPBs and on the three allocated sites. Such development would be unaffected by the policy. I recommend that the policy is modified so that it takes on a more general approach. I also recommend consequential modifications to the supporting text.

Replace the policy with:

'Development proposals should respect the character and appearance of narrow lanes within the neighbourhood area. Development proposals which would detrimentally affect the character of a narrow lane or introduce an unacceptable amount of additional vehicular traffic will not be supported'

Replace paragraph 7.024 with:

'Policy RNP5 seeks to safeguard the character and appearance of narrow lanes.'

RNP6: Sunken Lanes

- 7.49 This policy has a similar function to that of RNP5. In this case it refers to sunken lanes. This policy is clearer than the submitted RNP5 to the extent that it does not support any access onto a sunken lane.
- 7.50 I recommend a similar modification to the policy for the same reasons as specified

Replace the policy with:

'Development proposals should respect the character and appearance of sunken lanes within the neighbourhood area. Development proposals which would detrimentally affect the character of a sunken lane or create a new access onto such a lane will not be supported'

RNP7: Construction Traffic

- 7.51 This policy follows on from the previous two policies. It comments that development within the neighbourhood area which would result in construction traffic using narrow or sunken lanes will only be supported where they are supported with a Construction Environment Management Plan. The policy reflects the value that the community sees in the protection of its attractive sunken and narrow lanes.
- 7.52 I understand the approach taken. However, the policy as submitted is a process matter rather than a policy in its own right. It offers no guidance on the location or scale of development in the neighbourhood area beyond that provided by Policy RNP2 (infill development within SPBs) and the site-specific allocations (RNP18-21). On this basis I recommend that it is deleted.
- 7.53 However in order to take account of the importance of the wider matter to the local community I recommend that the policy and the supporting text are repositioned into a separate part of the plan which deals with non-land use matters.

Delete policy

Delete paragraphs 7.026 and 7.027

Reposition the policy and the supporting text to a separate non-land use part of the Plan.

In doing so remove its policy number, provide a new Community Action number and either remove the colouring within the policy box or insert a different colour to highlight its difference from the other land use policies

RNP8: Local Green Spaces

- 7.54 This policy proposes the designation of five local green spaces (LGSs). The supporting text helpfully explains the national context to the designation of LGSs in general terms, and the three criteria which a parcel of land needs to meet to secure such designation in particular.
- 7.55 Paragraph 7.030 comments that each of the five proposed LGSs are in or around Ropley Village Centre. It identifies that farmland penetrates into the centre of the village and that the resulting juxtaposition of open land and settlement is an inherent part of the village's rural character. It concludes by commenting that protecting the five areas concerned (as LGSs) is critical to maintaining the character of the village and its historical context.
- 7.56 Paragraphs 7.032 to 7.037 provide specific details on the five proposed LGSs. In their different ways they seek to identify how the sites meet the criteria in paragraph 77 of the NPPF. The analysis in the Plan is underpinned by a more detailed assessment of each of the five proposed LGS against the criteria in the NPPF.
- 7.57 Several representations have been made to the Plan on the proposed LGS designations. In most cases they raise issues on the relationship of the site or sites concerned to the NPPF criteria.
- 7.58 I am satisfied that the proposed LGS1(the Recreation Ground) and LGS4 (the village pond) meet the basic conditions.
- 7.59 As the evidence in both the Plan and the LGS study identify the other three proposed LGSs have an agricultural character and appearance. I comment on each of the three proposed LGSs in turn below. In doing so I have taken account of paragraph 77 of the NPPF which is clear that 'LGS designation will not be appropriate for most green areas or open spaces.'
- 7.60 Proposed LGS 2 is a field behind Vicarage Lane between the Recreation Ground and Ropley House. I had a pleasant walk along the footpath along its southern boundary as part of my visit. I saw that it was in agricultural use and offered extensive views down into the valley and to the ridge beyond. Plainly it is in close proximity to Ropley. I am also satisfied that it is local in scale and is not an extensive tract of land.
- 7.61 However I am not satisfied that it is 'demonstrably special to a local community and holds a particular local significance'. The LGS assessment comments that the site adjoins parklands landscape to the west and is crossed by several rights of way. Whilst this is the case in my judgement neither of these matters are sufficient to justify the designation of the field as LGS. In any event it is located outside the proposed Ropley SPB and is otherwise safeguarded by countryside policies in the Local Plan. On this basis I recommend the deletion of the site from the policy.

- 7.62 Proposed LGS 3 is a field to the west of School Lane and Church Lane. I looked at the field from various vantage points (including Key Vista G) as part of my visit. I saw that it was in agricultural use and offered open views away from the village. Plainly it is in close proximity to Ropley. I am also satisfied that it is local in scale and is not an extensive tract of land.
- 7.63 However I am not satisfied that it is ‘demonstrably special to a local community and holds a particular local significance’. The LGS assessment comments that the site provides a visual link between the village and the open countryside and is of great importance to the character and setting of the village. It also addresses its significance to the setting of the Victorian school buildings. Whilst this is the case in my judgement neither of these matters are sufficient to justify the designation of the field as a LGS. In any event it is located outside the proposed Ropley SPB and is otherwise safeguarded by countryside policies in the Local Plan. On this basis I recommend the deletion of the site from the policy.
- 7.64 Proposed LGS 5 is a field to the south of Vicarage Lane and to the west of Hammonds Lane. I looked at the field from various vantage points as part of my visit. I saw that it was in agricultural use and provided an attractive rural setting for the village. Plainly it is in close proximity to Ropley. I am also satisfied that it is local in scale and is not an extensive tract of land.
- 7.65 However I am not satisfied that it is ‘demonstrably special to a local community and holds a particular local significance’. The LGS assessment comments that the site provides a setting for St Swithin’s Way which runs along South Street and Hammonds Lane. Whilst this is the case in my judgement it is not sufficient to justify the designation of the field as LGS. In any event it is located outside the proposed Ropley SPB and is otherwise safeguarded by countryside policies in the Local Plan. On this basis I recommend the deletion of the site from the policy.
- 7.66 The policy itself identifies a restrictive approach towards development within the proposed LGSs. It follows the approach set out in paragraph 78 of the NPPF in resisting development on LGSs except in very special circumstances. However, it then goes on to identify potential very special circumstances. I am not satisfied that this more detailed approach meets the basic conditions. Plainly a different range of very special circumstances may arise during the Plan period. Any such development proposals would be assessed on their individual merits by EHDC. In attempting to define a series of very special circumstances in the Plan itself runs the risk excluding other very special circumstances which may arise in the future. On this basis I recommend that the policy is simplified and that the potential range of very special circumstances are addressed in the supporting text.

In the first part of the policy delete LGSs 2, 3 and 5.

Replace the third paragraph of the policy with:

‘Development within the designated Local Green Spaces will not be supported except in very special circumstances.’

Delete the fourth, fifth, sixth and seventh paragraphs of the policy.

Delete paragraphs 7.033/7.034/7.036/7.037.

In paragraph 7.029 replace references to five with two. In some sentences replace 'all five' or 'all' with 'both'.

Replace paragraph 7.030 with:

'Both of the proposed Local Green Spaces are in or around the village centre. They have specific historical significance and recreational value. The protection of the two areas is important in maintaining the character of Ropley'

Include an additional paragraph of supporting text to read:

'Policy RNP8 designates the two parcels of land as Local Green Space. It also sets out the restrictive approach which would apply in the designated areas. This approach reflects that included in the NPPF. Plainly a different range of very special circumstances may arise during the Plan period. Any such development proposals would be assessed on their individual merits by the District Council. At this stage the Plan anticipates that very special circumstances may include changes in national legislation, changes in the condition of the two parcels of land, and where enhancements are proposed for the wider benefit of the community.'

RNP9: Built Heritage

- 7.67 This policy identifies a series of locally important heritage assets and requires that development proposals should respect their significance. The assets are shown both in an appendix and on the Proposals Map.
- 7.68 I am satisfied that the assets have been appropriately selected. In addition, the policy approach has regard to national policy.
- 7.69 I recommend two modifications to the policy to achieve the clarity required by the NPPF. Otherwise the policy meets the basic conditions.

Replace the first sentence with:

'The assets shown in Appendix 3 and on the Proposals Map are identified as important heritage assets.'

In the second paragraph replace 'must' with 'should'.

RNP10: Nature Conservation

- 7.70 This policy proposes the designation of three Local Nature Conservation Networks (LNCN). They are shown on the Proposals Map. The supporting text and the Evidence Base provide a compelling case for the three designations.

- 7.71 The policy itself is well-considered. It highlights the potential for mitigation where appropriate and/or the preparation of compensation plans.
- 7.72 Agents acting for the owners of Ropley Lime Quarry have drawn my attention to the intention to recommence mineral extraction at the Quarry. It is within the proposed Ropley Ridgeline LNCN. Information provided to me by EHDC from the County Council advises that whilst such discussions are taking place the chalk pit is dormant in planning terms and that a series of planning conditions need to be discharged before any further extractions can commence. On this basis I am satisfied that the Parish Council's approach to this matter is proportionate and evidence-based. Within this context the County Council will have the ability to give this policy in any made neighbourhood plan whatever weight it sees fit in its own decision-making process.

In the second and fourth part of the policy replace 'permitted' with 'supported'.

RNP11: Rights of Way

- 7.73 This policy addresses rights of way. The supporting text highlights the importance of existing rights of way in the neighbourhood area. I saw and used several of these paths on my visit.
- 7.74 The policy sets out a series of factors which new development will need to accommodate where they have a potential impact on rights of way. It adopts a reasonable approach by the use of 'wherever practicable'.
- 7.75 The criteria are appropriate to the neighbourhood area. I recommend the inclusion of 'and' after the second criteria to clarify that (as appropriate to the site) that development proposals need to address each of the three factors. Otherwise the policy meets the basic conditions.

At the end of the second criterion add 'and'

RNP12: Impact of New Development

- 7.76 This policy builds on the principles of Policy CP29 of the Local Plan. It also draws on the contents of the Ropley Village Design Statement.
- 7.77 It addresses a series of issues in a positive fashion. The include public realm, a sense of place, residential amenities and the scaler/massing/height/density/design of new development.
- 7.78 I recommend that the first sentence of the first part of the policy is modified. As submitted, it is very prescriptive and may not be possible to achieve by many developments. I also recommend that other references to 'must' are replaced by 'should' for similar reasons. Otherwise the policy meets the basic conditions. It will do much to safeguard the character of the individual settlements.

Replace the first sentence with:

Development proposals will be supported where they contribute positively to the public realm and the sense of place in their immediate locality

In the second paragraph of the policy replace ‘must’ with ‘should’.

RNP13: Design and Height of New Housing

- 7.79 This policy seeks to ensure that new residential development should be visually appealing and blend successfully with existing development. Paragraph 7.061 identifies a series of ways in which new development can be distinctive and that individual dwellings should not be identical. Paragraph 7.063 comments about the predominantly two storey nature of development in the neighbourhood area.
- 7.80 This context generates a policy with two related parts. The first requires that developments of more than two dwellings should incorporate variations in designs or materials. The second specifies that new dwellings of more than two storeys will not be allowed.
- 7.81 The ambitions of both of the parts of the policy are appropriate. It was clear from my visit that the quality and design of the building stock in the neighbourhood area was high and that the dwellings were largely of a two-storey nature. Nevertheless, both of the elements of the policy are unreasonably restrictive. In addition, there is no detailed evidence to support such a restrictive approach. In the first element the threshold of two dwellings is unreasonably low. For example, it would prevent the development of a pair of identical semi-detached houses. In the second element the policy has the ability to restrict innovative design where such an approach would be appropriate. EHDC has raised similar concerns in its representation to the Plan.
- 7.82 I recommend that the policy is replaced with one which achieves the same objectives in a less prescriptive fashion. Its focus is on achieving varied design and ensuring that new residential development respects the scale, height and massing of existing residential development in its immediate locality. I also recommend consequential modifications to the supporting text.

Replace the policy with:

‘New residential development should provide visual interest and incorporate variations in their design and the use of materials. Developments of identical dwellings will not be supported.

New residential development should respect the scale, height and massing of existing residential development in its immediate locality’

In paragraph 7.061 (third sentence) delete ‘such that.... are identical’

In paragraph 7.062 (third sentence) replace ‘but that no more than two should be identical’ with ‘but that they should not be identical’.

In paragraph 7.063 add at the start:

'The second part of the policy seeks to ensure that the scale, height and massing of existing residential development in its immediate locality.'

In paragraph 7.063 replace the submitted first two sentences with:

'It recognises that existing properties in the neighbourhood area are predominantly of a two-storey nature. It is likely that any new development will be of this general height and scale. However, there may be circumstances where innovative design would be appropriate.'

RNP14: External Materials

- 7.83 This policy addresses the selection of the materials for new buildings. I saw the importance of this matter when I visited the neighbourhood area. Paragraph 7.065 helpfully describes some of the important materials used and their vernacular details.
- 7.84 The policy has both general and more detailed elements which affect conservation areas and listed buildings. Its overall ambition is that materials are used which are appropriate both to the building itself and its wider context. To this extent it meets the basic conditions in principle. However, I recommend modifications to the policy so that it has the clarity required by the NPPF. In the first instance I recommend that the second paragraph of the policy on equivalent modern materials is refined to take account of listed buildings and conservation areas. In such circumstances this approach would conflict with sound conservation and building preservation principles and techniques. In the second instance I recommend that the third paragraph is modified to make a clearer distinction between conservation areas and listed buildings. As submitted, it suggests that all buildings in conservation areas are listed buildings.

In the first paragraph replace 'must' with 'should'

In the second paragraph add at the start: 'Other than in conservation areas and on listed buildings the use of' and replace 'allowed' with 'supported'.

In the third paragraph delete 'of the Listed Building' and replace 'the character' with 'its character'. At the end of the third paragraph add:

'Works affecting listed buildings, including conversions, adaptations and extensions, should use traditional vernacular building materials which are appropriate to the age and appearance of the building concerned.'

RNP15: Driveways and Parking

- 7.85 The policy indicates that driveways and parking areas should be constructed of permeable materials wherever possible. I am satisfied that the approach is appropriate to the neighbourhood area and meets the basic conditions in general terms.
- 7.86 I recommend that the policy takes account of permitted development rights. In some cases, the replacement of existing driveways and parking areas would not need

planning permission and would therefore be beyond the control of this policy. I also recommend a modification to the wording used in the policy.

**At the beginning of the policy add: ‘Insofar as planning permission is required’
Replace ‘possible’ with ‘practicable’.**

RNP16: Extensions and New outbuildings

- 7.87 This policy refers to extensions and new outbuildings. Whilst the policy and the supporting text are modest in their scale its approach is significant as this type of development is likely to be commonplace within the Plan period.
- 7.88 It identifies three criteria which new development should incorporate (size, visual impact and design/materials). As with other policies I recommend the replacement of must with should and the insertion of ‘and’ after the penultimate criterion.

Replace ‘must’ with ‘should’

At the end of the second criterion add ‘and’

RNP17: Appropriate Design and Materials

- 7.89 Notwithstanding its title the policy has a clear focus on external lighting and avoiding light pollution. I address this inconsistency as a recommended modification so that the Plan has the clarity required by the NPPF. This also includes the deletion of unrelated supporting text at paragraphs 7.071/7.072.
- 7.90 The policy has four related elements. The first relates to lighting on buildings and within their curtilages. The second refers to windows, conservatories and atriums. The third relates to outdoor sports and recreational facilities. The fourth relates to the provision of street lighting within new housing developments.
- 7.91 The first part of the policy meets the basic conditions in principle. As with Policy RNP15 I recommend that it takes account of permitted development rights. In this regard many modest domestic lighting installations do not need planning permission.
- 7.92 The third part of the policy overlaps with procedural requirements to the extent that it specifies the nature of a condition which would be applied to any proposals for outdoor sports and equestrian facilities. This approach fails to meet the basic conditions in two important respects. The first is that it presupposes that EHDC would be minded to grant planning permission for any or all such proposals. The second is that it presupposes that the need for such a condition and its timing details would be required for any such proposal that EHDC was minded to support. I recommend a modification to address this matter. I also recommend an associated modification to the supporting text on the condition/timing issue.

- 7.93 The fourth part of the policy is explicit in its approach that street lighting should not be provided within new housing development. I recognise the importance of the dark sky environment in the neighbourhood area. However, I recommend a modification to the policy that would offer the potential for a degree of street lighting where it could be justified by safety or amenity issues.

Replace the policy title with ‘External Lighting’

At the beginning of the policy add: ‘Insofar as planning permission is required’.

In the third part of the policy replace ‘will be permitted....6.00am’ with ‘should be designed and operated to take account of the dark sky environment within the neighbourhood area and the need to respect the amenities of any residential properties in the immediate locality’

Replace the fourth part of the policy with:

‘Street lighting associated with new residential development should take account of the dark sky environment within the neighbourhood area and the need to respect the amenities of any residential properties in the immediate locality. Where new residential development is in accordance with policies in the wider development plan and within this Plan proposals which do not include any street lighting will be supported’.

Delete paragraphs 7.071 and 7.072.

At the end of paragraph 7.076 add:

‘Where proposals for outdoor sports and equestrian facilities are otherwise acceptable the details of any necessary external lighting and its hours of operations will be controlled by way of conditions on the associated planning applications.’

RNP18: Amount of New Housing

- 7.94 This policy is a central part of the Plan. It sets the scene for the subsequent policies that allocate three sites for housing development within the Plan period.
- 7.95 The supporting text associated with the policy is comprehensive. In summary it addresses the strategic need for housing in the wider District, the expectations for the neighbourhood area given its position within the settlement hierarchy and recent completions and commitments. It provides an update on the delivery of the four allocated sites in the neighbourhood area as included in the 2016 Allocations Plan.
- 7.96 Details are also provided about the work undertaken by AECOM to assess future housing need in the neighbourhood area. Further information is then provided about social and affordable housing needs in the neighbourhood area and how this need could reasonably be addressed through the selection and allocation of sites for housing development. Paragraph 7.089 identifies that 27 additional dwellings are proposed in the Plan. Paragraphs 7.093-7.095 comment on the site selection process. They

provide details on the site selection process, the location of the sites concerned in relation to SPBs and how they have the ability to deliver social and affordable housing.

- 7.97 The policy has attracted a series of representations. In some cases, the policy is supported. EHDC supports the positive approach that has been taken to this important matter. Other representations comment on the limited number of new houses promoted in the Plan. In other cases, concern is expressed that the Plan has been produced on the basis of the existing planning policy context in the District and that it does not directly take account of the emerging Local Plan.
- 7.98 I have considered the representations to this aspect of the Plan very carefully. Plainly national policy seeks to boost significantly the supply of housing and neighbourhood plans have their part to play in this process. Having considered all the information I am satisfied that the Parish Council has approached this matter in a positive and detailed fashion. It has engaged professional support to advise on the plan-making process and it has properly assessed a range of reasonable alternatives.
- 7.99 In particular I am satisfied that the Parish Council has approached the number of new houses to be included in the Plan in a proper fashion. There is no reason why the production of a neighbourhood plan needs to wait until an emerging Local Plan has been adopted. In any event the basic conditions test is against the adopted development plan.
- 7.100 Nevertheless the planning process is not static. The relationship between emerging local plans, emerging neighbourhood plans and the development plan is addressed in Planning Practice Guidance (41-009-20160211). I am satisfied that the Parish Council has taken a responsible approach to the emerging Local Plan. Plainly its eventual outcome is uncertain at this point. However, the position of the neighbourhood area in the settlement hierarchy remains largely unchanged from that in the adopted Local Plan and the majority of new development in the District for the future continues to be directed to more sustainable locations. However, I recommend that the Parish Council considers the need for a review of any 'made' neighbourhood plan once the emerging Local Plan has been adopted. Any such consideration could also take account of progress on the delivery of the allocated sites in the neighbourhood plan itself, and the Chequers Inn site in particular where a planning application is currently being considered. This process will help to minimise any conflicts between any made neighbourhood plan and the newly-adopted Local Plan at that time.
- 7.101 It is perhaps inevitable that the outcome of the site selection process will generate different opinions. Different sites will perform in different ways against the criteria chosen. However, I am satisfied that the package of proposed allocated sites is appropriate and evidence-based. They are relatively modest sites which seek to achieve a balance of respecting the environment of the neighbourhood area whilst delivering a range of market, affordable, social and self-build housing. In relation to the Chequers Inn site the sensitive redevelopment of a brownfield site is sought both in its own right and on the basis of community feedback and consultation. I address the specifics of each of the three sites in Policies RNP 19-21.

- 7.102 The policy itself is matter of fact. It comments that approximately 68 new dwellings will be provided in the period up to 2028 and that they will be delivered by a combination of the implementation of the allocations in the East Hampshire District Allocations Plan and by the three sites allocated in the submitted Plan. I recommend modifications to the Plan so that it more clearly identifies the three sites allocated in the submitted Plan itself.

Replace the opening part of the policy with:

‘Approximately 68 new dwellings will be provided in the neighbourhood area between 2016 and 2028. They will be delivered by:’

Replace the second bullet point with ‘the development of Land off Hale Close (RNP19), the Chequers Inn site (RNP20) and land off Petersfield Road (RNP21).’

At the end of paragraph 7.095 add:

‘The approach to new housing in this Plan is based on the adopted development plan (the Local Plan: Joint Core Strategy 2014 and the Allocations Plan 2016). The Parish Council will monitor the progress of the emerging East Hampshire Local Plan 2030. Once that Plan is adopted it will consider the need for a review of the neighbourhood plan in general terms, and to assess its ongoing relationship to the newly-adopted Local Plan on housing delivery in the neighbourhood area in particular.’

At the end of paragraph 8.007 (Implementation and Monitoring) add:

‘A key stage in the monitoring of the Plan will arise once the emerging East Hampshire Local Plan is adopted. Planning legislation is such that where there is any conflict between two parts of the development plan greater weight is given to the Plan which last became part of the development plan. The approach to new housing in this Plan is based on the adopted development Plan (the Local Plan: Joint Core Strategy 2014 and the Allocations Plan 2016). The Parish Council will monitor the progress of the emerging East Hampshire Local Plan 2030. Once that Plan is adopted it will consider the need for a review of the neighbourhood plan in general terms, and to assess its ongoing relationship to the newly-adopted Local Plan on housing delivery in the neighbourhood area in particular.’

RNP19: Proposed Housing Site off Hale Close

- 7.103 This policy addresses the proposed development of land off Hale Close. It proposes the development of 14 mainly small dwellings. It has a particular focus on ensuring that its development respects the Church Street Conservation Area and its setting. This is particularly important given the proximity of the site to St Peters Church to the south.
- 7.104 Within the context of my commentary on Policy RNP18 I am satisfied that the policy is appropriate to the neighbourhood area. In addition, I am satisfied that in general terms the policy meets the basic conditions. However, I recommend three modifications to ensure that it has the clarity required by the NPPF. The first affects the wording of the policy. As submitted, it comments loosely about what the development will deliver

rather than providing a policy context on how development proposals would be assessed.

- 7.105 The second relates to the six 2/3-bedroom houses for sale to local people at below market price. I can see that this will serve a useful social function. Whilst I consider that the 'local people' part of the policy meets the basic conditions, I am not satisfied that the 'below market price' element meets the basic conditions. The price paid for a dwelling is not a planning issue. Nevertheless, I am content that the way this matter is addressed in general within the supporting text is both justified and appropriate. The third relates to consequential modifications to the supporting text to reflect the recommended modifications to the policy with regards to the 'below market price' issue.
- 7.106 I also recommend that the reference to the site being a rural exception site is deleted from the policy. An exception site cannot by definition be allocated and in any event the purpose of the policy is to allocate the site for residential use.

In the opening part of the policy delete 'as a rural exception site'.

In the second sentence place 'comprise' so that it immediately follows on from 'will' and then finish the sentence with the information in the three bullet points with the removal of the three bullet points.

In the section on six 2/3-bedroom homes replace 'at below market price' with 'for affordable home ownership'.

Replace the second part of the policy on quality/character with:

'Development proposals on the site will be supported where they provide the range and type of dwellings identified above and meet the following criteria:

- **their design, layout and character respect the character and appearance of the Church Street Conservation Area in general, and the setting of St Peter's Church in particular;**
- **they provide a new access road to Hale Close;**
- **they provide land for community use, a church car park and an associated access road; and**
- **they provide an appropriately-designed landscape buffer between the development and existing residential properties on Church Street.**

In paragraph 7.101 replace the second sentence with:

'Significant work has already been undertaken on this emerging package. It anticipates that the development will be associated with a legal agreement. This mechanism would assure that the local affordable home ownership dwellings in the site are sold initially to local people who are not property owners and thereafter are only sold to other local people in similar circumstances.'

RNP20: Proposed Housing Site on the Chequers Inn Site

- 7.107 This policy addresses the proposed development of the former Chequers Inn PH at the junction of Winchester Road and Gascoigne Lane. It proposes the development of nine dwellings. It has a particular focus on securing the redevelopment of a site which has been vacant for some time.
- 7.108 The residential redevelopment of the site has previously been refused by EHDC and the subsequent appeal was dismissed. The owners and proposed developers have since engaged with EHDC on pre-application discussions for a revised layout. At the time that this examination was taking place the District Council was considering a revised planning application. Plainly it will come to its own decision based on the merits or otherwise of that proposal.
- 7.109 Within the context of my commentary on Policy RNP18 I am satisfied that the policy is appropriate to the neighbourhood area. In addition, I am satisfied that in general terms the policy meets the basic conditions. However, I recommend two modifications to ensure that it has the clarity required by the NPPF. The first affects the wording of the policy. As submitted, it comments loosely about what the development will deliver rather than providing a policy context on how development proposals would be assessed.
- 7.110 The second refines the second criterion within the policy to reflect the issues addressed in the dismissal of the appeal on the earlier refusal of planning permission. I also recommend consequential modifications to the supporting text.

Delete ‘The development will’

Before the four bullet points add:

‘Development proposals on the site will be supported where they meet the following criteria:’

Replace the second criterion with:

‘Have a design, layout and character that respect the character and appearance of the adjacent residential properties in general and their distinctive pattern of development in particular.’

At the end of paragraph 7.106 add:

‘Policy RNP20 has been carefully designed to secure the high-quality development of this brownfield site. The various design criteria are critical to the successful redevelopment of the site. They address the issues raised in the determination of a previous planning application on the site. It is particularly important that any proposals take account of the distinctive pattern of development in this part of the neighbourhood area. New development should reflect the linear nature of existing development on the site as it fronts onto the Winchester Road (A31)’.

RNP21: Proposed Housing Site on Petersfield Road

- 7.111 This policy addresses the proposed development of open storage and agricultural land off Petersfield Road. It proposes the development of four self-build dwellings. The development of the site seeks to deliver this particular type of dwelling that has been identified in the housing needs assessment work.
- 7.112 I looked at the site when I visited the neighbourhood area. Whilst it is not within a defined SPB it is located within a gap between the houses along the southern side of Petersfield Road. Any future development of the site would have a visual relationship with these existing dwellings.
- 7.113 Within the context of my commentary on Policy RNP18 I am satisfied that the policy is appropriate to the neighbourhood area. In addition, I am satisfied that in general terms the policy meets the basic conditions. However, I recommend a modification to ensure that it has the clarity required by the NPPF. It affects the wording of the policy. As submitted, it comments loosely about what the development will deliver rather than providing a policy context on how development proposals would be assessed.
- 7.114 The criteria within the policy are appropriate. I recommend the inclusion of an additional criterion in relation to the southern boundary of the site. The relationship between the development of the site and the surrounding agricultural landscape will be important to its future success.
- 7.115 I also recommend that the reference to the site being a rural exception site is deleted from the policy. An exception site cannot by definition be allocated and in any event the purpose of the policy is to allocate the site for residential use.
- 7.116 Through the clarification note process the Parish Council agreed with my proposition that RNP 22 on occupancy conditions on this site is incorporated into this policy. I recommend accordingly. In doing so I recommend the repositioning of supporting text included within Policy RNP22 into consolidated supporting text.

In the opening part of the policy delete ‘as a rural exception site’.

Delete ‘The development will’.

In the first bullet point delete ‘in accordance with Policy RNP22’.

Before the four bullet points add:

‘Development proposals on the site will be supported where they meet the following criteria:’

Add a fifth bullet point to read:

‘Incorporate an appropriate southern boundary to the site’

As a new paragraph of the policy add:

'The development of this site is restricted to either individual self-build or custom-built dwellings being developed by an individual person, by a builder or developer acting on behalf of an individual or by a community group of individuals. All applicants should be on the East Hampshire District Council's self-build register.'

Incorporate the wording in Policy RNP22 from the fourth paragraph to the seventh paragraph as new supporting text to the policy.

RNP22: Occupancy Restrictions

- 7.117 Through the clarification note process the Parish Council agreed with my proposition that RNP 22 on occupancy conditions on this site is incorporated into Policy RNP21. I recommend accordingly.

Delete the policy.

Delete the supporting text.

RNP23: Protecting Community Facilities

- 7.118 The policy identifies four social and community facilities which are regarded as essential to the well-being of the neighbourhood area. It is supported by very compelling supporting text on this important matter. I saw the four facilities on my visit to the neighbourhood area. Whilst not directly relevant to the policy the facilities are located centrally within Ropley Village Centre.

- 7.119 I recommend a modification to the wording of the policy. Otherwise it meets the basic conditions.

Replace 'permitted' with 'supported'.

RNP24: New Community Land

- 7.120 This policy allocated land to the west of Dunsells Lane for community uses. Map No 2 shows the relationship of the site with St Peter's Church to the south, and to the proposed housing allocation off Hale Close to the west.

- 7.121 The policy meets the basic conditions.

Other Matters

- 7.122 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may

be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for EHDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

- 7.123 Some of my recommended modifications to the supporting text may fall into this category to the extent that they result in changes to paragraph numbering elsewhere in the Plan.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Modification of general text

- 7.124 East Hampshire District Council has separately suggested a series of amendments to the Plan. I have found its comments very helpful. I recommend modifications in the following matters. They are those required to ensure that the Plan meets the basic conditions. In other cases, the comments are matters of preference rather than basic condition issues.

Paragraph 5.002 (third bullet point) add (April 2016)

Paragraph 5.004 – add ‘adopted’ between ‘the’ and ‘Development’ and after Plan add ‘as required by the Neighbourhood Plan Regulations’

Paragraph 7.003 – replace ‘iwithin’ with ‘within’.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2028. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Ropley Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to East Hampshire District Council that subject to the incorporation of the modifications set out in this report that the Ropley Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 26 March 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
15 April 2019