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consultants

**OBJECTION TO SELBY DISTRICT COUNCIL**  
**LDF – THE SITES AND POLICIES LOCAL PLAN –**  
**INITIAL CONSULTATION**  
**RE: LAND AT RAWFIELD LANE, FAIRBURN**  
**SUBMITTED ON BEHALF OF**  
**MR M RHODES**  
**JANUARY 2015**

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## 1.0 Introduction

This objection is submitted on behalf of Mr M Rhodes in respect of land off Rawfield Lane, Fairburn. It will be noted that the site is currently located in the Green Belt and outside the boundary of the settlement.

It will be noted that the site has historically been utilised for storage and, owing to its use and nature, it forms a coherent part of the settlement. At the time of submitting this objection an application for a Certificate of Lawful Existing Use for the site had been submitted to the Council to regularise this longstanding commercial use. Furthermore, land adjacent is in residential use. It will also be noted that the area of land put forward in this submission forms part of a previously proposed allocation (SADPD) FRBN 10B.

It is considered that owing to the form and nature of the land its reallocation would properly recognise the developed area of the village.

The aim of submitting this representation is to seek to persuade the Council that the subject site does not merit retention in the Green Belt for the reasons set out in this statement. The Council is invited to accept the argument that its removal from the Green Belt is appropriate and would not conflict with the purposes of including land within the Green Belt (as set out in the NPPF).

It is considered that the current function and nature of the site, which functions lawfully for storage purposes and residential, results in the land constituting an anomaly in the Green Belt. The site forms a coherent part of the developed settlement in this area and is clearly distinct and separated physically from the open farmland beyond.

It is considered that the redrawing of the Green Belt boundary in this location would strengthen Green Belt boundary at this point. The review of the development plan is clearly the appropriate time for the

Council to consider and fully address this matter. Retention of the site within the Green Belt only devalues the concept of Green Belt.

## 2.0 The Site

The subject site constitutes a coherent part of the village. It will be noted that the Green Belt currently incorporates residential properties, curtilage and storage land. Clearly, those uses constitute nonconforming uses within the Green Belt.

Clearly, in considering this land previously as a suitable site to accommodate development, the Council recognised that the site forms a coherent part of the village and can be incorporated into the village without encroaching on the open countryside. The reallocation of the site out of the Green Belt would round off the settlement to a readily identifiable and defensible form. As it stands, bearing in mind the existing uses of the land, it is considered that the site clearly constitutes an anomaly in the Green Belt and the current boundary should be reviewed.

The site can be readily excluded from the Green Belt and provide identifiable physical features on the ground providing a sound Green Belt boundary.

### 3.0 The Site Allocations Development Plan Document (SADPD)

The role and purpose of the document is set out, which includes the following statement in respect of Green Belt:-

***“However to accommodate plan growth there may be occasions where the existing limits to development may be expanded if no sites are found within the settlements. This will mean that the Green Belt may be reduced in small parts.”***

With regard to Green Belt, the document states and reiterates:-

***“The preamble to Core Strategy Policy CP1 states that the Council aims to maintain the overall extent of Green Belt, but in villages where there are difficulties in accommodating the scale of growth required consideration will be given to undertaking a localised Green Belt review.”***

The DPD then goes on to outline revised site selection methodology and whilst it identifies issues with regard to Green Belt, it does not state that it will address issues of anomalies.

The SADPD identified that the village was suitable to accommodate further development. It will be noted that whilst the Council set out that it would seek to avoid Green Belt allocations, it clearly identified the subject site as suitable for consideration. At that stage, clearly it had not been demonstrated to the Council the uses of the site, which clearly form a coherent part of the settlement and demonstrate that the overall area should be removed from the Green Belt.

#### 4.0 The Sites and Policies Local Plan – Initial Consultation

Key Aims and Objectives of Plan Selby are set out. The objections are set out to include:-

- “(i) to deliver new development sites (allocations) for housing and employment needs and other uses;***
- (iv) to set up to date Green Belt boundaries to endure beyond the life of this plan and designate safeguarded land.”***

With regard to housing scale and allocations, at section, 3.3 it sets out a target number of dwellings for the plan period. It must be questioned as to whether the numbers provided are sufficient to meet that period. It also identifies that the homes will be located only in the principal areas, local service centres and designated service villages.

It is noted that Fairburn is not identified as a service village. However, it is not clear why Fairburn is not identified as such. Furthermore, it is considered that the approach is questionable in that in precluding development in smaller villages it raises the issue of the sustainability of those settlements in the future. Indeed, it is noted that the plan sets out that notwithstanding the large number of secondary villages only allowing ten dwellings per annum would be developed and suggests only 170 over the whole Plan period. This is far too small an allocation to deal with local need and ensure sustainability of existing villages.

Section T3 deals with defining areas for promoting development and protecting key assets. Key messages include: that the core strategy sets out framework for reviewing Green Belt and:-

- “Boundaries may be changed to accommodate new development over the Plan period;***

- ***Green Belt boundaries can only be altered in exceptional circumstances.***

At para 3.104 it states:-

***"The Core Strategy sets out that a Green Belt review could facilitate the altering of Green Belt boundaries, if there are exceptional circumstances."***

Para 3.105 states:-

***"This is not intended to seek wholesale changes to the Green Belt as strategic countryside gaps – only in the light of up to date needs and policies and based on local evidence using a consistent approach and in the case of the Green Belt where there are exceptional circumstances to justify this."***

It will be noted that at no point is any reference made to anomalies in the Green Belt. However, at para 3.108 it states:-

***"The Council plan to undertake a separate study which will jointly review Green Belt boundaries development limits and strategic countryside gaps it is considered that the subject site must be reviewed as part of this process."***

At 5.92 with regard to elsewhere in the district, it states:-

***"Plan Selby is not generally intended to allocate development sites elsewhere in the district."***

It is considered that this approach is fundamentally flawed and will reduce the sustainability of villages. It is considered that in recognising that the subject site forms an anomaly owing to its historic uses, the reallocation of the site inside the settlement would allow for future



windfall housing if the Council were not persuaded that the land should be allocation for housing.

## 5.0 National Policy Guidance

In drafting up the LDF, Selby District Council must take account of national planning policy. The national policy context for the preparation of the LDF is provided by government planning policy statements and guidance. The following guidance is considered to be relevant to the consideration of this representation:

The advice sets out a presumption in favour of sustainable development.

Para 50 states:-

***“To deliver a wide choice of high quality homes, widen opportunities for ownership and create sustainable, inclusive and mixed communities, local planning authorities should:***

- ***Plan for a mix of housing based on current and future demographic trends.”***

At Para 55 it goes on to state:-

***“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.”***

This proposed allocation can meet those requirements.

In respect of the Green Belt, at para 80 the advice sets out:-

***“Green Belt serves five purposes:***

- ***To check the unrestricted sprawl of large built up areas;***

- ***To prevent neighbouring towns from merging into one another;***
- ***To assist in safeguarding the countryside from encroachment;***
- ***To preserve the setting and special character of historic towns; and***
- ***To assist in urban regeneration by encouraging the recycling of derelict and other urban land."***

Para 83 goes on to state:-

***"Local Planning Authorities with Green Belts in their area should establish Green Belt in their local plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the local plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term so that they should be capable of enduring beyond the plan period."*** (TPC underlining).

The Courts have held that exceptional circumstances are required to remove land from the Green Belt. As will be demonstrated in this submission, such exceptional circumstances arise to justify the removal of the land from the Green Belt.

Para 84 goes on to state:-

***"When drawing up or reviewing Green Belt boundaries Local Planning Authorities should take account of the need to promote sustainable patterns of development."***

At para 85 it goes on to state:-

**"When defining boundaries local planning authorities should ...**

- **Define boundaries clearly using physical features that are readily recognisable and likely to be permanent...."**

The advice in the NPPF sets out the approach to local plans and at Para 158 it states:-

***"Each local planning authority should ensure that the local plan is based on adequate, up to date and relevant evidence about economic, social and environmental characteristics and prospects for the area."***

Para 182 deals with examining local plans and it states:-

***"A local planning authority should submit a plan for examination which it is considered is "sound" – namely that it is ...***

- ***Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with policies in the framework."***

It is clear from examination of national policy that:-

- (a) This is the appropriate time for Green Belt boundaries within the District to be examined. Advice also sets out that issues to address include the definition of boundaries which are permanent and will endure beyond the timescale of the plan (following physical features); and
- (b) Alterations to the Green Belt should only be undertaken in 'exceptional circumstances'. Clearly such exceptional circumstances exist in this case.

## 6.0 The Issues

### 6.1 Exclusion of Land from the Green Belt

This site constitutes an anomaly in the Green Belt and the development plan process provides the opportunity to resolve this issue. There can be no doubt that the land should be removed from the Green Belt on the basis that its function and form. The use of the site ensures that it clearly forms a coherent part of the settlement. The land has no role to play in terms of the stated functions of Green Belt as set out in the NPPF.

The preparation of the Local Plan provides the Council the opportunity to properly address what can clearly be seen to be anomalies in the Green Belt. Failure to recognise that the site subject to this objection constitutes an anomaly will not only devalue the role and function of the Green Belt in this location, but will also devalue the Plan in not taking into account the nature and function of this site as a coherent part of the settlement. This will indicate a failure on the part of the Council to properly address appropriate issues through the plan process.

### 6.2 Further Green Belt Review

The Council intends to make a review of the Green Belt. As set out above, it is considered that failure to fully address the status of this site will result in a flawed Development Plan which will be unsound.

It is anticipated that through this process the Council will recognise that the site should be removed from the Green Belt, recognising that exceptional circumstances arise in this instance to remove the whole of the site from Green Belt.

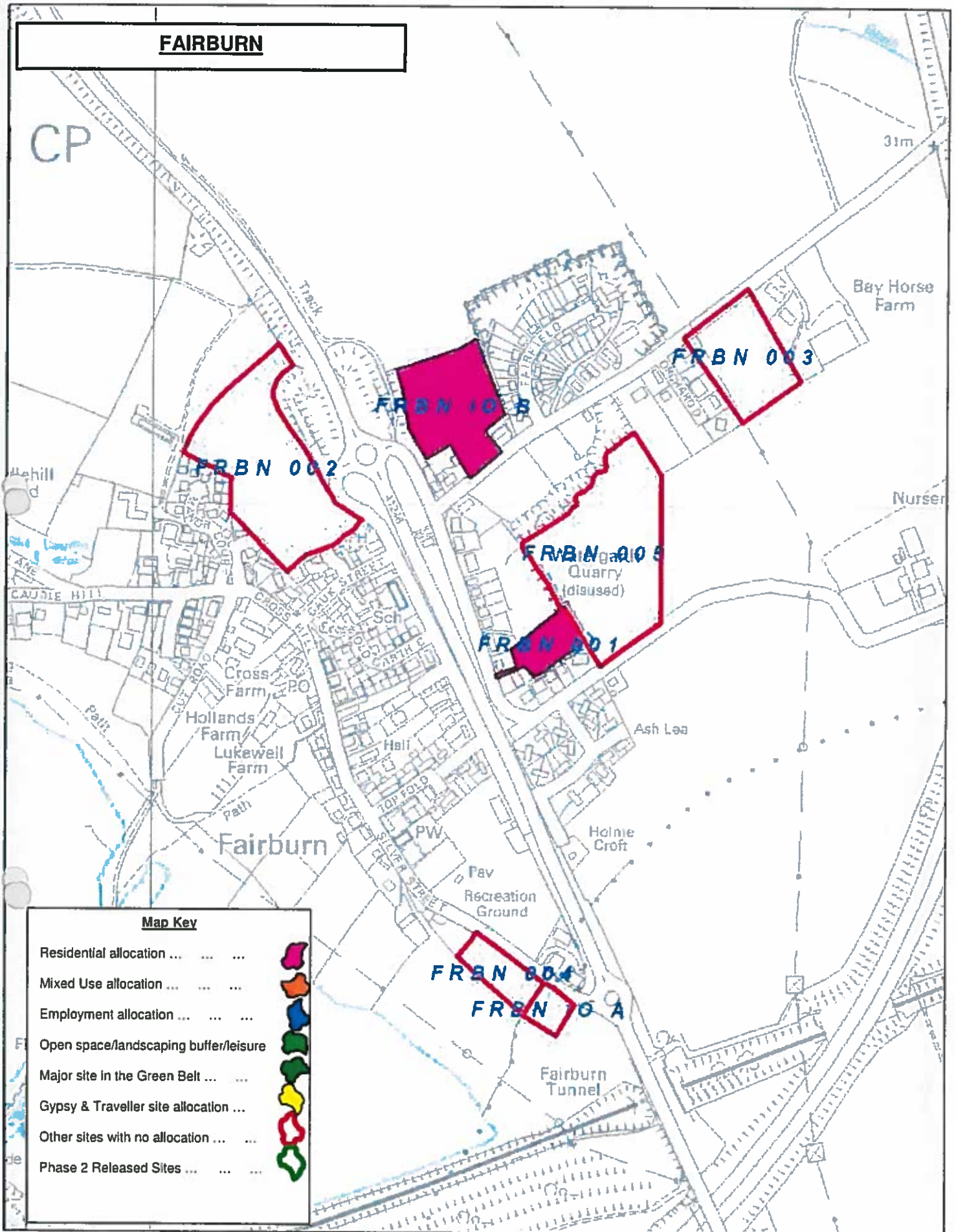
## 7.0 Conclusion

The Local Plan will replace the District Wide Local Plan as part of the Statutory Development Plan for Selby District. In drafting up its Local Plan this requires examination of current allocations. In reviewing these allocations there arises the opportunity to review the Green Belt to take account of the requirement for growth and to deal with issues such as Green Belt anomalies (the subject site). Indeed, it is understood that the Council do intend to undertake a further review of the Green Belt. It is considered that the subject site forms a coherent part of the settlement.

Under all circumstances, it is considered that as part of a review of the Green Belt the Council should recognise the nature of the site and remove this from the Green Belt. Clearly exceptional circumstances exist to remove the whole of the site from the Green Belt. It is, therefore, considered that the Council should be persuaded to amend its approach to the site's Green Belt and remove it from the Green Belt. In doing so, it will recognise that there are no planning reasons whatsoever to retain the site within the Green Belt, and indeed removing this anomaly will assist in the proper planning of the area in both Green Belt and economic terms.

The objector remains willing to submit any further advice information in respect of this issue.

# FAIRBURN



## Map Key

- Residential allocation ... ..
- Mixed Use allocation ... ..
- Employment allocation ... ..
- Open space/landscaping buffer/leisure
- Major site in the Green Belt ... ..
- Gypsy & Traveller site allocation ... ..
- Other sites with no allocation ... ..
- Phase 2 Released Sites ... ..

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# FAIRBURN

**Map Key**

- Development Limits
- Local Amenity Space (L.A.S.)
- Locally Important Landscape Area (L.L.A.)
- Green Belt (S.P.2, S.P.3)
- Recreation Open Space (R.O.S.)
- International Wildlife Site (S.P.18)



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