## Comments

### Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

<table>
<thead>
<tr>
<th>Comment ID</th>
<th>243</th>
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<tr>
<td>Response Date</td>
<td>12/02/20 17:30</td>
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<tr>
<td>Consultation Point</td>
<td>Policy LOC1 Settlement Boundaries (View)</td>
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<td>243. Settlement Boundary Plan.pdf</td>
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### Representation

Please use a separate form for each representation.

### Which part of the Publication Plan does your representation relate to?

- Policy LOC1
- Figure/Map 18.15

### Tests of Soundness

Do you consider the Local Plan is sound in terms of being:

- **Justified**: No
- **Effective**: No
- **Positively prepared**: No
- **Consistent with National Policy**: Yes

### Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements?

- **No**

### Duty to Cooperate

Do you consider the Local Plan to be compliant with the Duty to Cooperate?

- **Yes**

### Reasons

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Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

This representation is submitted on behalf of our client in support of the alteration of the Grafton Underwood settlement boundary to include land at The Manor House, Brigstock Road, Grafton Underwood, Northamptonshire NN14 3AA. This representation is made to Kettering Borough Council in response to the Publication Version consultation as part of its emerging Site-Specific Part 2 (SSP2) Local Plan.

As per the requirements of the Kettering Borough Council, this representation is made specifically in relation to emerging Policy LOCI and the related Figure/Map 18.15 (relating to the proposed Grafton Underwood Settlement Boundary) of the Publication Version of the emerging Site-Specific Part 2 (SSP2) Local Plan.

It is considered that the , as proposed, complies with the Duty to Co-operate. However, it is not considered that the Publication Version of the Local Plan is legally compliant or sound, as explained below:

Objection is raised to the Kettering Borough Council's decision to exclude residual residential curtilage land (including outbuildings and garden land) at The Manor House, Brigstock Road, Grafton Underwood from the proposed village settlement boundary. It is considered that the Local Plan is not legally compliant or sound, particularly with regard to whether it has been positively prepared, or is justified, effective, or consistent with national planning policy.

The site is an edge of settlement location to the east of Brigstock Road which abuts the main built-up framework of Grafton Underwood on the eastern side of the village. The site comprises a residual part of a self-contained and single residential curtilage, which includes garden land and two residential outbuildings. The site extends to approximately 0.24 hectares in total. It is of fundamental importance to note that the site is defined by an extensive, abundant mature hedgerow along its northern, southern and eastern boundaries. The subject land is demarked by a small post and rail fence and the boundary of a private tennis court (within the same ownership as the subject land) along its western boundary. The land shares a close functional and visual relationship with the garden land to the west because the subject land comprises part of the single, self-contained garden.

The Council's Background Paper Settlement Boundaries (Update) was published in April 2018 and comprises part of the Council's evidence base to inform the preparation of the emerging Site-Specific Part 2 (SSP2). It is noted that the updated Background Paper Settlement Boundaries included a methodology for drawing settlement boundaries. Attention is drawn to the fact Principle 2 of the methodology states that the Council will prepare settlement boundaries which include 'curtilages which are contained and visually separated from the open countryside'.

The subject land wholly conforms with this principle. The land is wholly contained and visually separated by a mature and extensive hedgerow along its eastern and southern boundaries. It is therefore evident that the site is well defined, wholly contained and visually separated from the open countryside to the east. The subject land therefore complies with Principle 2 of the Councils' methodology and should be included within the Grafton Underwood settlement boundary.

Moreover, within the Background Paper Settlement Boundaries' findings/conclusions with regard to the site, the Council notes that Other parts of the garden covered by the CLUED and separated by post and rail fence and should be excluded from the settlement boundary as development of the site would have a harmful impact on the character and structure of the settlement boundary'. It is considered that this approach is illogical and inconsistent with the fact that part of the same garden land has been included within the settlement boundary. To ensure that the proposed Local Plan is sound, the entire area of garden land (including both the existing land within the settlement boundary and the identified residual subject land) should be included within the settlement boundary.

Attention is also drawn to the planning and development history of the site, which is a material issue. The Council acknowledges that the tennis court has been present on site since prior to 2000. A Certificate of Lawful Use was granted by the Council in 2014 for use of the entire extent of garden for use as ancillary garden land and as a tennis court to The Manor House. It therefore seems illogical and inconsistent of the Council to only include part of this land within the proposed settlement boundary. This is evidently unjustified and unsound as the entire ancillary area is lawful garden land.
The land is classified as previously developed land. Recent case law has held that private residential gardens outside of larger built-up areas are defined as previously developed land. Although the site forms part of the wider built-up framework of the village of Grafton Underwood, it is considered to be outside of a larger built-up area. The status of the site as previously developed land lends substantial weight to the argument that the site should be included within the defined settlement boundary.

Moreover, the site is evidently part of the Grafton Underwood built up area and site which forms part of the urban fabric of the village. The site is integral to the built-up area, and merits inclusion within the village Settlement Boundary.

Inclusion of the subject land within the village settlement boundary represents a logical 'rounding off' of both the physical boundary of Grafton Underwood and the built form of the village without resulting in harm to the openness of the countryside or the amenity of neighbouring properties.

The inclusion of the subject land within the settlement boundary will accord with the presumption in favour of sustainable development and related policies, as set out in the National Planning Policy Framework (NPPF) and relevant local planning policies within the North Northamptonshire Joint Core Strategy (NJCS) and emerging Site-Specific Part 2 (SSP2) Local Plan.

Moreover, the subject land must be included within the Grafton Underwood settlement boundary to ensure consistency with the parcel of garden land that is proposed to be included. Exclusion of the garden land will ensure that the emerging Local Plan is not justified, effective or positively prepared.

Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

It is considered that the following changes are necessary to ensure that the Local Plan is legally compliant and sound:

Kettering Borough Council is required to ensure its Site-Specific Part 2 (SSP2) Local Plan is positively prepared, justified, effective and consistent with national planning policy. To meet the requirement criteria set out in national planning policy the Policies Map is required to be amended to include the residual residential curtilage land at The Manor House, Brigstock Road, Grafton Underwood (the subject land, shaded red on the attached Plan) within the Grafton Underwood settlement boundary.

Please refer to the attached Appendix A, which illustrates the subject land and the proposed amended Settlement Boundary in respect of Grafton Underwood.

Attendance at the examination hearings

If you are seeking to change the Plan, would you like to attend the examination hearings?  No

Notifications

Do you wish to be notified?  . When the Plan is submitted for independent examination?
  . When the Inspector's Report is published?
  . When the document is adopted?