

Tysoe Neighbourhood Development Plan
Final Submission Consultation
Representation

Personal Details

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Response to consultation on Tysoe Neighbourhood Development Plan

Abbreviations

Neighbourhood Development Plan - NDP
Neighbourhood Plan Group – NPG
Built up Area Boundary – BUAB
Local Service Village - LSV
Stratford-upon-Avon District Council - SDC
Parish Council - PC

Introduction

I have a number of concerns about the proposals related to housing in the draft Tysoe Neighbourhood Development Plan (NDP) and about the plan's development. In the main I will focus on the proposal for Lower Tysoe but some of my comments about the process of plan development are applicable to all aspects.

I'm a resident of the hamlet of Lower Tysoe and also Chair of the Lower Tysoe Local Environment Group (LTLEG). This is an informal group and its present aims are to coordinate, support, inform, add to and assist with individual Lower Tysoe residents' activities and concerns particularly about proposed developments and the impact on Lower Tysoe of any potential changes to its planning status.

My main concern with regard to the NDP and Lower Tysoe is the proposed inclusion of the hamlet in the Local Service Village (LSV) of Tysoe. There are 3 strands associated with this:

1. The impact that a change in planning status will have on the scale of development in Lower Tysoe
2. The robustness of the reasons given for changing the status of Lower Tysoe.
3. A lack of transparency during the plan's development.

I will also point out that the plan and associated documents contain inaccuracies with regard to Lower Tysoe and to the LTLEG and I shall address these at the end of the document.

I also attach the document the LTLEG submitted as a response to the consultation on the Pre-Submission Neighbourhood Development Plan (**Appendix 1**). The response was informed by an experienced planning consultant, Peter Frampton BSc (Hons) TP MIRCS MRTPI, commissioned by a group of Lower Tysoe residents to provide an independent and expert view on the draft NDP's proposals and their potential effect on Lower Tysoe. The names of the 19 residents who submitted the comments have been redacted, but are available on request. They are residents who live in all parts of Lower Tysoe: Lane End, Badgers Lane, and adjoining various parts of Lower Tysoe Road.

My own submission on the draft NDP can be found here:

<https://onedrive.live.com/?authkey=%21AF622BpsmQhubkE&cid=3483F06FD37D5DB7&id=3483F06FD37D5DB7%214194&parId=3483F06FD37D5DB7%213928&o=OneUp> and the response to it is on page 59 of Appendix 7.2 Tysoe Neighbourhood Development Plan Pre-Submission Plan July 2018 Table of main public comments received and responses.

1. The impact that a change in planning status will have on the scale of development in Lower Tysoe

Lower Tysoe is a hamlet of approximately 40 houses and is not part of the Local Service Village (LSV) of Middle and Upper Tysoe (approximately 400 houses).

The plan proposes to incorporate Lower Tysoe into the LSV and enclose it within its own Built up Area Boundary (BUAB). If a new BUAB is created the status of Lower Tysoe will be changed from 'presumption against development' to 'presumption in favour of development'. This is contrary to Stratford-upon-Avon District Council's (SDC's) current position and recommendation.

It is not development *per se* that concerns me but a loss of control of the scale and layout of individual developments if the planning status of the hamlet is changed. Although the NPG claims that the plan is to 'Keep Tysoe Special' it disregards the special features of the hamlet of Lower Tysoe - its spaciousness and layout - which is derived from its historical agricultural infrastructure.

The basic structure of Lower Tysoe differs very little from that shown on the OS map of 1886. The majority of properties originated as farms/small holdings and several are still used for farming and/or keeping livestock. The majority of properties are within large plots and have open space at the front and rear. The layout of the built environment is basically linear with three clear lines of development. Lower Tysoe Road marks the boundary with the Cotswolds Area of Outstanding Natural Beauty (AONB), in which houses to the east of the road lie. Lower Tysoe is highly visible from the Edgehill escarpment to the east, and footpaths on the eastern, western and southern boundaries. The historical structure of Lower Tysoe has been maintained because of judicious planning decisions in the past. In my view the proposed change in the planning status of Lower Tysoe jeopardises these distinctive features.

It is clear that development does occur in Lower Tysoe. In the Plan period (2011 – 2031) 11 houses have already been built or have planning permission, suggesting a 25% increase to date in the number of dwellings. However, recent developments have consisted of one or two houses and, in an exceptional circumstance, three.

I am not alone in my concern and it is clear that the residents of Lower Tysoe are concerned about proposed developments that are for more than a small number of houses per site. For example, there were 24 objections to an application for 7 houses (17/03634/FUL: The Orchards, Lower Tysoe Road, Lower Tysoe) and 16 letters of objection to a development of 5 houses (17/03730/FUL: Home Holdings, Lane End, Lower Tysoe). Both of these applications were precipitated by the first draft of the NDP. I would contend that in a hamlet of 40 houses, 24 objections expressing concern about the scale of developments do not indicate a minority view.

Although the NDP states that it will limit development within the BUAB of Lower Tysoe I do not believe that the Parish Council/NDP has the power to do this. I elaborate on this in the following sections.

2. The robustness of the reasons given for changing the status of Lower Tysoe.

The reasons given in the NDP for changing the status of Lower Tysoe are:

3.3.1.2 *The Steering Group has considered carefully whether Lower Tysoe should be given its own BUAB and is aware that not everyone in the village will be in agreement on this issue. However, the decision to give Lower Tysoe a BUAB has been made, in part, on the basis of the evidence obtained in the 2014 residents' survey where a large majority of respondents said Tysoe comprised the three settlements (see paragraph 6.1.0.2 below).*

The inclusion of Lower Tysoe in the Tysoe LSV will also bring into the total for the Tysoe LSV those houses already built and those granted planning permission in Lower Tysoe (some 11 dwellings since 2011).

4.1.0.4 *Given that Lower Tysoe is inherently part of the larger village, that its residents share the facilities located in Middle Tysoe and that those facilities are really no further from Lower Tysoe than they are from Upper Tysoe, we believe that this is an entirely logical proposal.*

NDP: Evidence obtained in the 2014 residents' survey

The question in the 2014 survey was not asked in the context of Lower Tysoe becoming part of the LSV (see below). It did not make respondents aware of any of the implications of changes to Lower Tysoe's planning status that might result from the NDP. The responses (below) are therefore not relevant and do not provide evidence to support the NDP proposal. Furthermore the outcome of the survey is not sufficient reason to make a major change to the planning status of the hamlet of Lower Tysoe.

25 Planners take decisions based on local circumstances and opportunities. Our plan needs evidence of what you think about the locality.

Do you think of Tysoe as... (please tick one)

	Count	%
one village	312	78.0%
two villages	61	15.3%
three villages	23	5.8%
no response	4	1.0%

Indicate which of the following villages you consider as being part of our locality.

	Count	%
Oxhill	272	62.7%
Ratley	24	5.5%
Radway	37	8.5%
No opinion	101	23.3%

Commentary
A significant majority (78%) of respondents consider Tysoe to be one village.

The majority of respondents (62.7%) also see the neighbouring village of Oxhill as part of Tysoe's locality.

The results suggest Ratley and Radway are seen far less as part of the locality of Tysoe.

NDP: Inclusion of Lower Tysoe in the Tysoe LSV will also bring into the total for the Tysoe LSV those houses already built and those granted planning permission in Lower Tysoe

It is my understanding that there is no 'target' that Tysoe has to achieve and that any houses built in Lower Tysoe would still 'count' in terms of Stratford District Council's (SDC) delivery of housing but that they would be a 'rural windfall' contribution - see response below to a question from a councillor to SDC in February 2018 (Appendix 2) – obtained through FOI):

*'To respond to your queries: **If a hamlet is part of the LSV does it have to have a BUAB?** SDC is drafting BUABs for the LSVs to provide clarity in respect of the extent of the built-up area/physical confines. As such, if an area is to be considered within the LSV, it will need to be included within the BUAB. This includes separate hamlets. **If a hamlet is part of the LSV but does not have a BUAB, do houses built in the hamlet contribute to the allocation for LSV as set out in the NP?** See above. To clarify, only homes built within the LSV count towards the LSV 'requirement'. Homes built in the wider parish count towards the rural 'requirement'. **If a hamlet is not part of the LSV, does not have a BUAB, is my understanding correct that any house built in the hamlet are 'windfall'?** Such homes would be rural windfall (as above) but crucially, the policy position is different with there being a general presumption against development (with some minor exceptions) to development in these areas and Policy AS.10 would apply'.*

Thus from SDC's perspective it would seem to me that it does not matter whether new housing is part of the LSV or not.

NDP: Given that Lower Tysoe is inherently part of the larger village, that its residents share the facilities located in Middle Tysoe and that those facilities are really no further from Lower Tysoe than they are from Upper Tysoe, we believe that this is an entirely logical proposal.

Lower Tysoe is part of the Parish of Tysoe. Services in Middle Tysoe are sustained because they are also used by residents of villages local to Tysoe Parish (e.g. Oxhill, Radway, Brailes, Shenington, Whatcote). Housing development in Lower Tysoe, even with a BUAB, would not make a significant difference to the vitality of the LSV to outweigh the harm caused to the distinct rural character of Lower Tysoe.

The NDP also says:

2.2.0.6 These village amenities are roughly equidistant from the northern edge of Lower Tysoe and the southern edge of Upper Tysoe with the church and school slightly closer to Lower Tysoe and the Post Office being closer to Upper Tysoe. Both of these settlements are connected to the village centre by road, footpaths and metalled pavement.

I don't believe this to be accurate. The distances by road or metalled pavement that I have recorded with a measuring wheel are:

- The southern edge of Upper Tysoe: Shop to Garden Cottage, Shipston Road – 864 metres
- The southern edge of Upper Tysoe: House past Rose's Farm to shop – 818 metres
- The northern edge of Lower Tysoe - 1744 metres
- Far end of Lane End in Lower Tysoe - 1999 metres

Although there are footpaths across the fields that may provide a shorter route, they are not suitable for those who have limited mobility, or wish to reach the services in the dark or in inclement weather conditions.

The closest part of Lower Tysoe to the 'central services' is at the southern edge (Stoneythorpe), which is 824 metres from the shop by road or made-up pavement (using measuring wheel). Thus all of the 40 houses in Lower Tysoe, to the north, north-east and north-west of this southern edge, are in excess of 800 metres from these services by road or pavement. This is one of the key elements in determining whether housing development in a settlement is 'sustainable' (see **Appendix 3**:

Accessibility to local facilities - Beyond 800m/10mins = RED). By Stratford District Council's (SDC) Core Strategy definition, Lower Tysoe is not considered 'sustainable'.

Will Lower Tysoe be better protected by a BUAB?

The contention of the NPG is that Lower Tysoe will be better protected from development by being part of the LSV with its own BUAB. This is not my understanding as it currently has very good 'protection' under Policy AS.10. This policy has been cited by SDC Planning Officers in recent refusals for planning applications in Lower Tysoe (**Appendix 4**).

In addition, the response by John Careford (SDC) to a direct question by a Parish Councillor (email provided through FOI – **Appendix 5**) was as follows, suggesting that development will be more likely if the planning status of Lower Tysoe is changed:

'I was referring to the change in the planning policy status of Lower Tysoe; the current status being "all other settlement" and the policy approach being generally one of restraint to development (subject to a limited number of exceptions) compared to a new status of being part of "Tysoe Local Service Village" and the policy approach where small scale development being acceptable in principle. To crudely put it another way, the implication would be that small scale development could be more likely as it would change from a starting position of "no" to a starting position of "yes, subject to design etc".'

At present Upper and Middle Tysoe constitute the LSV of Tysoe and have a BUAB. Recent planning applications indicate that the Parish Council have little influence over the scale and type of development on sites put forward. For example:

- Application 12/00933/FUL - permission was granted for 4 bungalows on this site. Subsequently, permission was granted for 6 dwellings that replaced the 4 bungalows (14/00475/FUL). The Parish Council objected to this unsuccessfully.
- Application 14/02029/FUL – permission was granted for 9 dwellings, some of which were affordable homes, on this site. Subsequently, (16/02684/FUL) – permission was granted for 10 dwellings on the site, none of which are affordable homes. Again the Parish Council objected to this unsuccessfully.

There is also a recent example in Little Kineton, which was included in the Kineton LSV, as is proposed for Lower Tysoe and the Tysoe LSV. The site, Walnut House, is an allocated site in the Kineton NDP – *residential development for approximately 10 dwellings*. Planning application 15/03064/OUT granted outline planning permission for the erection of 9 dwellings. Subsequently, planning application 17/01569/FUL sought an additional 5 dwellings. Kineton Parish Council fought hard to object to this application for additional houses and the Objection was also supported by the District Councillor on the basis of over-development. However, SDC granted planning permission.

The proposed BUAB around Lower Tysoe also allows for considerably more 'open space' than the BUAB drawn around Upper and Middle Tysoe, as pointed out by SDC in the response to the previous draft of the NDP:

Tysoe Neighbourhood Development Plan

Pre-Submission Neighbourhood Plan Regulation 14 Consultation (Neighbourhood Planning (General) Regulations, 2012)

Appendix 1 - Comments from Stratford-on-Avon District Council

P 30 – Map 8 - *the proposed boundary for Lower Tysoe includes large swathes of land that are clearly not developed. It is not very clear whether some of this land is actually residential in nature... some elements appear to be non-domestic. The NDP cannot advocate the severing some residential gardens in Middle and Upper Tysoe and then promote the inclusion of large areas of land within Lower Tysoe. This is not appropriate or acceptable. There does not appear to be any evidence for this approach and is unlikely to meet the Basic Conditions. If the boundary is to be tightly drawn, this strategy must relate to all parts of the village. There are a number of differences between the boundary proposed for Middle and Upper Tysoe in the NDP and the draft BUAB proposed by SDC. The main difference is inclusion of land relating to site allocations 2 and 3, which is accepted as being appropriate.*

It is not clear how those who developed the NDP foresee development within that open space being limited, bearing in mind John Careford's comment above and the admission of the Chair of the NPG in an email to me (**Appendix 6**) that *'In retrospect I think we made an error in saying that we could limit the number of houses per site in Lower Tysoe to 3 or fewer. I don't believe that we have that power...'*

In the allocated site in Lower Tysoe (Site 1), the boundary of the BUAB divides a garden in an attempt to 'limit' the number of houses that might be built there (*NDP p31 Land to south of Orchards for approximately 3 dwellings*). It appears that the allocated land in Site 1 would take more than 3 houses as drawn. It has not been explained in the NDP (nor at public meetings) how it will be possible to restrict development on that site and indeed on any sites were a BUAB for Lower Tysoe to be established. It is worth considering the current example of such a situation in Little Kington (17/01569/FUL) as above.

It appears, since it is clear that Lower Tysoe would be less well-protected as part of the LSV, that there must be a perceived benefit to Upper and Middle Tysoe of Lower Tysoe being part of the LSV. It can only be assumed that it is seen as a 'safety valve' to take a good proportion of the LSV's future development (as implied in some of the comments in the response to the previous draft of the NDP Appendix 7.2) – which is likely to be disproportionate to Lower Tysoe's current size (it has already had relatively more development than Upper and Middle Tysoe since 2011). However, as above, the evidence suggests that this is unnecessary as there is no 'housing target' for LSVs and any development in Lower Tysoe would contribute to SDC's overall housing stock.

It is also unclear what is meant in Section 4.1.0.2 of the NDP with regard to 'windfall' sites.

4.1.0.2 The proposed Built-up Area Boundaries have been drawn around Lower, Middle and Upper Tysoe in order to define the built up area of the village and establish where development is acceptable in principle. In addition to the allocated sites, opportunities for new development within the Built-up Area Boundaries will be limited to 'windfall' sites determined on a case by case basis in accordance with the relevant development plan policies.

3. A lack of transparency during the plan's development.

I contend that the residents of Lower Tysoe (and the residents of Middle and Upper Tysoe) have not been properly informed or consulted about the major change in planning status that would occur were Lower Tysoe to become part of the LSV.

Indeed residents of Lower Tysoe who attended a meeting in October 2016 in the house of the NPG Chair relied on inaccurate information (given to them by the NPG), when they were asked to express views on the changes proposed by the NPG. Prior to this meeting the NPG stated in writing that *'It is the recommendation of the new Neighbourhood Plan Steering Committee that Lower Tysoe should be included in the Local Service Village but with certain safeguards:The maximum number of units in any single new development within Lower Tysoe to be restricted to three.'* (Appendix 7). As already mentioned the NPG Chair subsequently admitted in an email to me that *'In retrospect I think we made an error in saying that we could limit the number of houses per site in Lower Tysoe to 3 or fewer. I don't believe that we have that power...'* (Appendix 6).

Neither the NPG nor the Parish Council (PC) have made any attempt to correct the misinformation provided to those residents of Lower Tysoe in October 2016 by calling another meeting for them (and residents of Middle and Upper Tysoe) or to present to them in detail the pros and cons of being part of the LSV. I think this is a serious omission. A request by Lower Tysoe residents to the PC for more information/consultation and support for a meeting (Appendix 8) was not taken very seriously by the PC. We were referred to the Ward Member, Cllr Fielding; who obtained clarification on Lower Tysoe's planning status from Stratford District Council (SDC) (John Careford) (Appendix 9) for which we were grateful, but which has not been disseminated more widely by the NPG or PC. An earlier email (9th February 2018) from John Careford to the Chairs of the PC and NPG (below) was later included in the 'References' of the previous draft of the NDP but again this was not highlighted in the main body of text of the previous draft and was not disseminated more widely until it became the subject of an FOI request by a resident of Lower Tysoe.

Extract from mail 9th February 2018 from John Careford to David Roache, copied to Chris Saint, Cllr Sinclair, DC Feilding and the Clerk

'To summarise why SDC does not consider it appropriate to include Lower Tysoe within the BUAB, although I acknowledge a BUAB can have separate parts to it, Lower Tysoe is clearly a separate settlement some distance from Tysoe and lacking local facilities amenities (which are located in Tysoe). Including Lower Tysoe within the BUAB would represent a fundamental change to the status of the properties within Lower Tysoe. In planning policy terms, there is a general presumption against development and this is consistent with the objectives of the Core Strategy to preserve the rural character of the District. Including Lower Tysoe within the BUAB would establish a principle in favour of development. SDC also needs to apply its approach consistently across the District; if we were to include Lower Tysoe, then we would have to include other hamlets near to LSVs elsewhere. I am not sure what level of support there would be for that approach or arguably, how sustainable such an approach would actually be.

Notwithstanding this, where there is local support for a different approach to planning than as set out by the District Council, then that is the very purpose of Localism and communities have the opportunity through the NDP process to implement that change. Thus, with respect, the ball is very much in the Parish Council's court. Whilst I am not suggesting that the NDP needs to have been 'made' before SDC will consider a different BUAB, it needs to have reached an advanced stage, providing certainty that both the contents of the NDP are final and that there is a degree of local support for the NDP. As outlined above, I consider Submission / Regulation 16 stage to be an advanced stage'.

Another example of poorly managed consultation was the public consultation held for Tysoe residents in November 2016 in the Village Hall. Preferences which residents expressed about sites for development were made on the basis of a flawed exercise (placing pins on maps in an unsupervised way – **Appendix 10**), and inadequate information.

Decisions taken by the NPG about the proposal to include Lower Tysoe in the LSV seem to have been pre-determined. This and other policies have not been the subject of open and respectful consultation, on the basis of full and accurate information being provided to the residents of Lower Tysoe, and the wider Parish of Tysoe. Surely it is reasonable that when a major change is proposed, residents should question this change, should ask for more information and should receive it. In his email to Matthew Neal (SDC) on 9th February 2018, the Chair of the NPG stated that *'we are now having to contend with a very vocal minority view which wishes to ignore the majority view in Tysoe and support the "isolated hamlet" view.'* (**Appendix 11**). How do the NPG know that this is the majority view? Do they have sufficient evidence? We are also considered to be troublemakers by the PC (e.g. **Appendix 12** – first paragraph).

On 24th April 2018, the Clerk of Tysoe Parish Council sent an email to Matthew Neal (SDC) on behalf of the Chair of the Parish Council to ask about the proposed inclusion of Lower Tysoe in the LSV (**Appendix 13**, obtained through FOI):

Dear Matthew

Cllr Sinclair the Chair of the Parish Council has asked me to write to you regarding the inclusion or not of Lower Tysoe in the local service village (LSV).

This matter continues to be debated within the community. Cllr Sinclair has three questions:

If a referendum was held should the question of whether Lower Tysoe is included in the LSV or not be put just to the residents of Lower Tysoe or the entire Parish?

Secondly do you think a referendum on this issue is a good idea and should it take place before or after the next 6 week public consultation?

If a referendum is held how should this be conducted.

Many thanks for your assistance

The response from SDC was:

We have taken advice from District Council's Head of Governance and Democracy. He raises concerns with the idea of a referendum. He is of the view that the best way forward is for the Parish Council to continue with the second Regulation 14 (pre-submission) consultation with the community as this would provide the best opportunity to explain explicitly the implications for including or not including a settlement boundary for Lower Tysoe within the NDP.

This is because, for example, the consultation could include a specific question on whether to include a boundary for Lower Tysoe which would give the QB the same outcome as a potential referendum but with the added benefits of ensuring that the community (a) understands the issues at hand (through explanatory text) and (b) are themselves able to provide comments to the QB on the issue rather than a simple yes/no.

The Parish Council could also vote specifically on the issue to ensure democratic accountability.

I trust this is helpful.

There has been no specific question and no explicit presentation of the pros and cons of a change in Lower Tysoe's planning status in the main body of the NDP despite a request for this by at least one Parish Councillor. Such information about the pros and cons was also not provided at consultation events.

There have been questions from several quarters about the final referendum. Obviously, if the referendum is to include the residents of Upper, Middle and Lower Tysoe then residents of Lower Tysoe will have a relatively small voice. As expressed to me by another resident, it is analogous to the rest of Europe determining whether the UK should leave Europe or not! I personally feel that it should be up to the residents of the hamlet of Lower Tysoe to determine its future and not to the residents of the neighbouring village.

Inaccuracies in the plan and in the responses to the plan

There are some inaccuracies in the NPG responses to the previous draft (Tysoe NDP Appendix 7.2)

Tysoe NDP Appendix 7.2
TYSOE NEIGHBOURHOOD DEVELOPMENT PLAN, Pre-Submission Plan July 2018
Table of main public comments received and responses p29:
'Virtually the only objections raised against the inclusion of Lower Tysoe in the LSV have come from a small (circa 20) number of residents in Lower Tysoe who live adjacent to allocated Site 1'.
This is untrue; the residents objecting to the inclusion of Lower Tysoe in the LSV are distributed throughout the hamlet. The NPG should be well aware of this as an un-redacted letter from LTLEG was submitted during the consultation for the previous draft. Redacted version of letter attached as Appendix 1 – names can be provided on request.

Tysoe NDP Appendix 7.2
TYSOE NEIGHBOURHOOD DEVELOPMENT PLAN, Pre-Submission Plan July 2018
Table of main public comments received and responses p29:
The LTLEG rejected the offer by the NPG to meet them to discuss this matter and have consistently avoided open debate on the subject.
This is untrue, none of us are aware of an offer of a meeting and would like to see the evidence that this was made. Indeed we sought a meeting ourselves (**Appendix 8**). This request was eventually part-fulfilled (through an invitation to John Careford to attend the October 218 PC meeting) but only after the consultation period for the Pre-Submission Plan had ended and 6 months after our letter requesting a meeting was sent.

Conclusion

My overall view is that the evidence to support inclusion of Lower Tysoe in the Tysoe LSV is weak and that the decision to include Lower Tysoe in the LSV is irresponsible bearing in mind that the Parish Council has a 'duty of care' to all parts of the parish and that this duty of care should be in the context of the distinctive and individual characteristics of each part of the parish. I believe that Lower Tysoe should remain as a hamlet and not be part of the Tysoe LSV. I also believe that if its status is to be changed it should be the residents of Lower Tysoe who make that choice and not the whole parish.

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Appendix 1

Response to consultation on the Pre-Submission Neighbourhood Plan ('NP')

Lower Tysoe Local Environment Group

This response is submitted on behalf of the undernoted residents of Lower Tysoe, working together as a group to provide detailed and informed comment on the NP, specifically as to how its proposals might affect Lower Tysoe.

The response has been informed by an experienced planning consultant, Peter Frampton BSc (Hons) TP MIRCS MRTPI, commissioned by Lower Tysoe residents to provide an independent and expert view on the draft NP's proposals and their potential effect on Lower Tysoe.

This response objects to those elements of the draft NP which propose that Lower Tysoe become part of the Local Service Village of Tysoe, with a 'Built-Up Area Boundary' ('BUAB') as defined by the NP, on the following grounds:

1. They are contrary to NPPF and SDC Core Strategy Planning Policies; and
2. There have been material failures of due process in the consultation procedures in the preparation of the NP

as follows:

Achieving Sustainable Development – suggested BUAB for Lower Tysoe

1. There are statutory 'basic conditions' which a Neighbourhood Plan (NP) must meet before it is submitted to a referendum. These include:
 - a) having regard to the national policies and advice contained in guidance issued by the Secretary of State;
 - b) the Plan contributes to the achievement of sustainable development;
 - c) the Plan is in general conformity with the strategic policies contained in the development plan for the area.

2. The development plan for the area is the Stratford on Avon District ('SDC') Core Strategy. Policy CS1 Sustainable Development (**Appendix 1**) states *inter alia* that 'development should be located and designed so that it contributes towards the maintenance of sustainable communities in the District'. The Development Strategy is provided by Policy CS15 Distribution of Development (**Appendix 2**). The Core Strategy states (5.1.1):

'The NPPF expects development to be focused in the most sustainable locations in terms of availability of shops facilities and services as well as modes of transport other than the private car.'
3. The Strategy is therefore to direct development to the most sustainable settlements, i.e. Stratford-upon-Avon; Main Rural Centres; New Settlements and Local Service Villages (LSVs). LSVs have been identified within the Core Strategy from a range of available services, namely:
 - size of settlement
 - general store
 - primary school
 - public transport
4. The NP acknowledges that Lower Tysoe is a separate and distinct settlement to Upper and Middle Tysoe. Lower Tysoe possesses none of the services and facilities necessary for the designation of an LSV. Lower Tysoe is a freestanding hamlet in the open countryside. The objective to secure sustainable patterns of development is protected by the Core Strategy under policy AS10 Countryside and Villages (**Appendix 3**).
5. A hamlet with no facilities does not become a sustainable settlement to accommodate housing growth simply on account of a desire by the NPG to spread the 'burden' of new housing across three settlements with the name Tysoe.
6. The inclusion of a BUAB around Lower Tysoe is:
 - **inconsistent with national planning policy;**

- does not contribute to the achievement of sustainable development;
 - is not in general conformity with Policy CS1-Sustainable Development;
 - is not in general conformity with Policy CS15 Distribution of Development;
7. In the determination of a planning application for 5 houses at Lower Tysoe (17/03730/FUL) the SDC Planning Officer informed the Planning Committee that:

'It has always been the opinion of officers that Lower Tysoe is not a sustainable location for new residential development'.

The Refusal of Planning Permission noted that *'the proposal was unacceptable in principle when assessed against the relevant policies within the Core Strategy'.*

8. This decision was issued in March 2018. Nothing has changed to suggest that the hamlet of Lower Tysoe now has access to services so as to become a sustainable location for new housing growth. Lower Tysoe remains a hamlet in the open countryside. New housing development would be overwhelmingly reliant upon the use of the private car for access to facilities and services. Lower Tysoe is poorly located to accommodate new housing growth. The proposal in the Neighbourhood Plan is not in general accordance with the underlying policy objectives of the Core Strategy.
9. The SDC Planning Policy Officer confirmed in correspondence (9th February 2018) with Tysoe Parish Council that: *"Lower Tysoe is clearly a separate settlement some distance from Tysoe and lacking local facilities amenities (which are located in Tysoe). Including Lower Tysoe would represent a fundamental change to the status of the properties within Lower Tysoe. In planning policy terms, there is a general presumption against development and this is consistent with the objectives of the Core Strategy to preserve the rural character of the District. Including Lower Tysoe within the BUAB would establish a principle in favour of development. SDC also needs to apply its approach consistently across the District; if we were to include Lower Tysoe, then we would have to include other hamlets near to LSVs*

elsewhere. I am not sure what level of support there would be for that approach or arguably, how sustainable such an approach would be.”

Defining a BUAB around the hamlet of Lower Tysoe would make a fundamental change to the settlement strategy of the District, undermining the long-established planning principle of focussing new growth to sustainable urban locations.

Comments on Process, Evidence and Consultation

The NPPF requires all development plans to be shaped by *‘early proportionate and effective engagement between plan makers and communities’* (NPPF 16). *‘Effective engagement’* requires:

- consultation with communities;
- the consideration of the responses from a consultation exercise;
- a reasoned response to the consultation in successive stages of plan-making.

The following examples evidence a failure to comply with the provisions and due process of the NPPF for consultation with the community in preparing an NP: specifically (but not exclusively) in relation to the NP’s proposal to include Lower Tysoe in the LSV of Tysoe, with its own BUAB.

- I. The NP refers (Page 19, para 3.3.1.2 & Page 29, 6.2.0.1) to *“the 2014 residents’ survey”* and *“the Plan questionnaire of August 2014”* as evidence in support of Housing Policy 1, designating a Built-Up Area Boundary for Lower Tysoe.
 - a) The ‘Plan’ referred to was a draft NP prepared in 2014, preceding adoption by SDC of the Core Strategy. This 2014 draft was subsequently rejected by the PC and SDC in January 2016 (See Tysoe website, NP section, ‘documents’). The survey/questionnaire refers to that draft and its’ proposed policies. This draft and the questionnaire/survey which preceded it, are invalid and inappropriate as reliable evidence.

b) The response to the 2014 questionnaire/survey quoted by the NP (as above) was in answer to the question: *“Do you think of Tysoe as one, two or three villages?”*. No context was provided to the question to relate it to residents’ views about the LSV of Tysoe; other than a statement preceding the question that *“Planners take decisions based on local circumstances and opportunities.”*. Tysoe is self-evidently one Parish, comprising one village (Upper and Middle Tysoe), with outlying hamlets, including Lower Tysoe. The response quoted (*“78% believed that Tysoe comprised all of the three villages”*) is not valid evidence of consultation with the community in support of the NP’s proposal.

II. The NP offers no other direct evidence of consultation with residents to support the NP’s proposal for Lower Tysoe. However various assertions are made in the NP, in the Minutes of Public Meetings of the NPG, and in communications by the NPG with SDC that purport to constitute such evidence:

a) A meeting of Lower Tysoe residents in October 2016 is referred to in the NPG/PC submission in June 2017 to SDC’s consultation on proposed BUABs. This meeting is also referred to in the References section of the NP as a ‘Local Service Village Meeting Survey’. In its’ submission to SDC the NPG/PC asserted that *“This (creation of a BUAB for Lower Tysoe) was the subject of a targeted public consultation which resolved that Lower Tysoe should have its own BUAB”*.

No such ‘targeted public consultation’ was held, no ‘resolution’ was put to residents or made at this meeting, and neither of these is evidenced.

Residents who attended this meeting in October 2016 were not informed about the current planning status of Lower Tysoe (as above); were misinformed that if Lower Tysoe was to remain outside the LSV *“Lower Tysoe would have no clear ‘protection’ accorded to it by the NP which would potentially make it vulnerable to future development”*; and that the NP would provide that *“the maximum*

number of units in any single new development within Lower Tysoe to be restricted to three”.

Both these latter statements were materially incorrect and/or undeliverable. While the last of these statements was acknowledged as an error by the NPG in 2018 in an email response to a resident’s enquiry, residents attending the meeting in October 2016 relied on these statements in giving their views about the LSV. They were not informed that these views would constitute a ‘resolution’ about the LSV. This constitutes a material failure of transparency and due process of consultation.

- b) In correspondence with SDC Planning Policy Officer (9th February 2018), the NPG state that *“we have quite conclusive evidence that it is the wish of the majority of Tysoe (all three settlements) residents that Lower Tysoe be considered part of the greater village of Tysoe”.*

This conclusion is inferred in the NP’s assertions (Page 19, paras 3.3.1.1 and 3.3.1.2) that: *“The Plan reflects the thoughts and feelings of local people”* and *“the decision to give Lower Tysoe a BUAB in the pre-submission draft has been made...”*.

There is no such ‘conclusive evidence’. At a public consultation in November 2016, before the first pre-submission draft NP was published, only 7 residents responded to state that *“Lower Tysoe belongs in the Local Service Village”*. (See 1st pre-submission draft NP, volume 2). There has been no other public consultation before or since November 2016 to determine residents’ views on this (or any other NP related matter).

- III. Meetings of the NPG were held in private from December 2016 to August 2017, in contravention of the NPG’s Terms of Reference. Public Meetings of the NPG since then, up to and including the date of publication of the current draft NP, have limited residents’

questions to one per meeting. **No meaningful discussions on matters of proposed NP policy were permitted.**

- IV. At the November 2016 consultation no information about the implications of such a change, (the proposed BUAB for Lower Tysoe and the implications for its planning status) was provided. Maps produced at the consultation showing proposed site allocations included 8 (out of a total of 16 for the whole Parish) in Lower Tysoe.

Residents were invited to express a preference for sites for development without: any sight of the PC's consultant's site assessments; or any information about planning policy constraints on sites being proposed for development. Housing development on the scale proposed was stated, incorrectly, to be needed to meet SDC's 'target'. SDC had advised the NPG there was no 'target' at a meeting in August 2016. (see Tysoe website, NP section).

The affixing of 'pins', provided by the NPG, by residents at this November consultation to indicate site preferences on a map of possible sites were not adequately supervised to prevent abuse of this methodology.

The November 2016 consultation and the above NP's assertions were not based on sound or robust evidence of consultation with the community, were misleading of residents, and constituted a breach of transparency and due process such that this November 2016 consultation is unreliable as evidence.

- V. In communications with the PC Chair, c/o the Parish Clerk in April 2018, SDC's Head of Governance and Democracy stated, in relation to the NP's proposed policy for Lower Tysoe, that consultation on the draft *"could include a specific question on whether to include a boundary for Lower Tysoe ... with the added benefits of ensuring that the community (a) understands the issues at hand (through explanatory text), and (b) are themselves able to provide comments to the QB on the issue rather than a simple yes/no"* (i.e. in a Referendum).

There is no such question and no explanatory text in the NP to enable the community to understand the issues. This has prevented the community from making informed and reasoned comment on the NP's proposal for Lower Tysoe.

The NP is considered to be flawed in its preparation and intent to identify a BUAB around the hamlet of Lower Tysoe. The NP should not proceed to submission version in the form as currently prepared.

Conclusions

These are the comments of the undernoted residents of Lower Tysoe to the pre-submission draft NP.

We conclude that it would be entirely inappropriate to include Lower Tysoe in the LSV of Tysoe, with its own BUAB, in the Tysoe NP. It is contrary to NPPF, and SDC Core Strategy planning policies; would materially harm this distinct rural hamlet with little or no benefit; would not result in sustainable development; and would contravene other aims and policies of the NP (e.g. Natural Environment, Built Environment, Employment) which are regarded as very important by the wider community of the Parish of Tysoe.

It is not supported by the community of residents of Lower Tysoe, contravening the intentions and provisions of the Localism Act.

14th September 2018

Note:

Names of 19 residents of Lower Tysoe (redacted, available on request). Residents live in all parts of Lower Tysoe

Appendix 2

Matthew Neal

From: Graham Collier
Sent: 28 February 2018 07:52
To: John Careford
Cc: John Feilding; Paul Harris
Subject: RE: Query from a Tysoe Parish Councillor

Thank you very much indeed.

Graham Collier.

From: John Careford [mailto:John.Careford@stratford-dc.gov.uk]
Sent: 27 February 2018 22:58
To: [REDACTED]
Cc: John Feilding; Paul Harris
Subject: FW: Query from a Tysoe Parish Councillor

Dear Cllr Collier,

Thank you for your email. To respond to your queries:

If a hamlet is part of the LSV does it have to have a BUAB?

SDC is drafting BUABs for the LSVs to provide clarity in respect of the extent of the built-up area/physical confines.

As such, if an area is to be considered within the LSV, it will need to be included within the BUAB. This includes separate hamlets.

If a hamlet is part of the LSV but does not have a BUAB, do houses built in the hamlet contribute to the allocation for LSV as set out in the NP?

See above. To clarify, only homes built within the LSV count towards the LSV 'requirement'. Homes built in the wider parish count towards the rural 'requirement'.

If a hamlet is not part of the LSV, does not have a BUAB, is my understanding correct that any house built in the hamlet are 'windfall'?

Such homes would be rural windfall (as above) but crucially, the policy position is different with there being a general presumption against development (with some minor exceptions) to development in these areas and Policy AS.10 would apply.

Regards,

John Careford MRTPI
Policy Manager (Planning & Housing)
Policy Team

From: Graham Collier [mailto:[REDACTED]]
Sent: 22 February 2018 13:56
To: John Feilding
Cc: John Careford
Subject: RE: Query from a Tysoe Parish Councillor

Thank you John.

Graham.

From: John Feilding [mailto:John.Feilding@stratford-dc.gov.uk]
Sent: 22 February 2018 10:32
To: Graham Collier
Cc: John Careford
Subject: RE: Query from a Tysoe Parish Councillor

Dear Graham

John Careford deals with these problems. You met him at the briefing he gave at Site Allocation dropping.

All the best

John

Councillor John Feilding
Vale of The Red Horse,
Stratford-on-Avon District Council
Direct +44 (0)7966698239
email john.feilding@stratford-dc.gov.uk, web www.stratford.gov.uk

From: Graham Collier [mailto:]
Sent: 22 February 2018 08:18
To: John Feilding
Subject: FW: Query from a Tysoe Parish Councillor

FYI John.

I wish to try and understand some things.

Best wishes, Graham.

From: Graham Collier [mailto:]
Sent: 21 February 2018 08:37
To: 'planning.policy@stratford-dc.gov.uk'
Subject: Query from a Tysoe Parish Councillor

Dear Sir / Madam

Please can you clarify some points for me ref Neighbourhood Plans.

You may know of question marks over Lower Tysoe.

My questions are:

- If a hamlet is part of the LSV does it have to have a BUAB?
- If a hamlet is part of the LSV but does not have a BUAB, do houses built in the hamlet contribute to the allocation for LSV as set out in the NP?
- If a hamlet is not part of the LSV, does not have a BUAB, is my understanding correct that any house built in the hamlet are 'windfall'?

Many, many thanks in anticipation.

The pop in session last week was helpful, thank you, but it was a pity the room was very small. It stopped conversation.

Appendix 3

Major Infrastructure	Development should avoid affecting or being affected by major existing and proposed infrastructure (e.g. route of High Speed 2, high pressure gas pipelines, high voltage electricity cables).	Infrastructure crosses substantial part of site = RED Infrastructure crosses small part of site or adjacent to it = AMBER Not affected = GREEN
Minerals and Waste	Development should not affect sites allocated or safeguarded for minerals extraction or waste management in the Minerals and Waste Local Plan.	Entirely or mostly inside Minerals or Waste allocation/safeguarded area = RED Partly inside or adjacent to Minerals or Waste allocation/safeguarded area = AMBER Not inside or adjacent to Minerals or Waste allocation/safeguarded area = GREEN

ii. Other planning considerations

Criteria	Comment	Assessment
Access to site (vehicles)	Is there access to the site from the road network that is likely to meet highway standards?	No achievable access to site = RED Major works required = AMBER Minor works required = GREEN
Access to site (walking and cycling)	Is there access to the site for pedestrians and cyclists?	No access to site = RED Major works required = AMBER Minor works required = GREEN
Accessibility to Local Facilities	Is the site within reasonable walking distance of local services and facilities (eg. shop, school, doctor's surgery)?	Beyond 800m/10mins = RED Within 800m/10mins = AMBER Within 400m/5mins = GREEN
Public Transport	Is the site accessible to public transport services (400m/5mins to bus or 800m/10mins to rail)?	Not accessible to service = RED Accessible to infrequent (ie. less than hourly) service = AMBER Accessible to frequent service = GREEN
Relationship to Highway Network	Is the site well located in respect of the road network and vehicle movements?	Adjacent to minor road only = RED Adjacent to/within 200 metres of B road = AMBER Adjacent to/within 200 metres of A road = GREEN
Public Right of Way (PROW)	Is the site affected by a Public Right of Way?	PROW crosses site = RED PROW runs along edge of site = AMBER No PROW across or adjacent to site = GREEN
Coalescence	Does the site form an important contribution to defining and maintaining the separate identity of the settlement?	Significant contribution = RED Moderate contribution = AMBER Minor / no contribution = GREEN
Settlement Form	Is the site well-related to and capable of being integrated into the existing built form?	Poor relationship = RED Reasonable relationship = AMBER Good relationship = GREEN
Settlement Character	Does the site form an important contribution to the character of the settlement?	Significant contribution = RED Moderate contribution = AMBER Minor / no contribution = GREEN
Neighbouring Amenity	Would development of the site significantly impact upon the amenity of neighbouring occupiers (eg. overlooking etc.)?	Significant impact = RED Moderate impact = AMBER Minor / no impact = GREEN
Neighbouring	Is the site affected by neighbouring uses (eg. noise,	Significant impact = RED

Appendix 4

Planning Application 17/03634/FUL: The Orchards, Lower Tysoe Road, Lower Tysoe Reasons for Refusal

Policy CS.15 directs development to Local Service Villages within the rural area. Tysoe is a Category 2 Local Service Village, under this Policy. Policy AS.10 seeks to support small-scale housing schemes, including the re-development of buildings, within the Built Up Area Boundaries of Local Service Villages (where defined) or within the physical confines of a village. The application site is assessed as falling outside the built up boundary of the village of Tysoe and is therefore located in open countryside, where residential development of this nature is inappropriate. No evidence has been submitted which would demonstrate that it would meet any of the exceptions set out in Policy AS.10. As such, the proposals are situated in an unsustainable location in conflict with Policies CS.1, CS.15, and AS.10, which sets out the council's objectives in achieving sustainable development in the District.

Planning Application 17/03730/FUL: Home Holdings, Lane End, Lower Tysoe Reasons for Refusal

The site is not located within the Built up Area Boundary or the physical confines of a Local Service Village and the proposed development cannot therefore be considered as limited infilling in a Local Service Village. The proposal does not therefore fit with any of the forms of development listed as appropriate within the countryside in Policy AS.10 of the Core Strategy. The proposal is therefore unacceptable in principle and contrary to the provisions of the Policies AS.10 and CS.15 of the Stratford-upon-Avon District Core Strategy (2011-2031).

Appendix 5

Matthew Neal

From: John Careford
Sent: 09 July 2018 13:55
To: Graham Collier
Cc: John Feilding; Matthew Neal; Rosemary Williams
Subject: RE: SDC 'Position Staement' on Lower Tysoe

Dear Mr Collier,

I was referring to the change in the planning policy status of Lower Tysoe; the current status being "all other settlement" and the policy approach being generally one of restraint to development (subject to a limited number of exceptions) compared to a new status of being part of "Tysoe Local Service Village" and the policy approach where small scale development being acceptable in principle. To crudely put it another way, the implication would be that small-scale development *could* be more likely as it would change from a starting position of "no" to a starting position of "yes, subject to design etc".

I trust this clarifies matters and apologies for any confusion.

Regards,

John Careford MRTPI
Policy Manager (Planning & Housing)
Policy Team, Stratford-on-Avon District Council
01789 260801

From: Graham Collier [mailto:]
Sent: 05 July 2018 13:58
To: John Careford
Cc: John Feilding
Subject: SDC 'Position Staement' on Lower Tysoe

Dear John

In your e-mail of 9th February to David Roache and others in Tysoe the following statement was included:

To summarise why SDCIncluding Lower Tysoe within the BUAB would represent a fundamental change to the status of the properties within Lower Tysoe. The text continues.

Please can you expand upon *a fundamental change of status* and any implications.

I have asked others but without reply.

Thank you in anticipation.

Kind regards

Graham Collier

Parish Councillor and citizen of Lower Tysoe.

This e-mail has been scanned for all viruses by Claranet. The service is powered by MessageLabs. For more information on a proactive

Appendix 6

From: David Roache [REDACTED]
Sent: 31 January 2018 22:26
To: Rosemary Collier
Subject: Re: A question!

Rosemary,

You may recall that we identified a number of safeguards that we believed would be appropriate in the matter of Lower Tysoe, among them, as you correctly say, was the intention to limit development to no more than 3 houses on any particular site. We were subsequently told that we had no power to limit the number of houses on a site and that we had to put forward any allocated site with the number of houses that the sponsor thought appropriate – in the case of the Jones's site this was 6 houses. It was made clear to us, subsequent to the meeting in late 2016, that the only authority who could limit the number of houses on a site was SDC via its planners or through a Planning Committee.

In the most recent assessment of the Jones's site it has been recommended that this site may provide a "good opportunity for development" but only with a small number of houses on it. It is likely that the next draft of the Plan will include this site but only for 3 houses. I think that the main difference between the situation that prevailed before the first draft of the Plan and now is that the site assessment done by Neil Pearce gives us a much more robust basis for putting the site forward with only a small number of houses proposed, not the 6 that were originally proposed by the Jones's.

In retrospect I think we made an error in saying that we could limit the number of houses per site in Lower Tysoe to 3 or fewer. I don't believe that we have that power but I think that the point is moot now as no site is likely to be proposed in the Plan for more than 3 houses. The other safeguards that we proposed – style, materials etc. can be controlled by the Plan to the degree that SDC don't over-rule them as in the Kendrick Homes situation.

Regards,

David

From: [Rosemary Collier](#)
Sent: Wednesday, January 31, 2018 7:33 PM
To: 'David Roache'
Subject: A question!

Hello David and thank you for an interesting meeting yesterday.

To follow up on Simon Robbins' question last night and the document sent to Lower Tysoe residents before the meeting at your house in October 2016 - which says that: *'It is the recommendation of the new Neighbourhood Plan Steering Committee that Lower Tysoe should be included in the Local Service Village but with certain safeguards:The maximum number of units in any single new development within Lower Tysoe to be restricted to three.'* Why did the committee subsequently decide to allocate 6 houses to the Orchards site and 5 houses to one of the sites in Lane End in the draft Neighbourhood Plan released in May 2017? It seems like a rather odd decision to me.

Best wishes,

Rosemary

Appendix 7

TYSOE NEIGHBOURHOOD PLAN

Dear resident of Lower Tysoe,

As you may be aware, the Parish Council have reconstituted a Neighbourhood Plan Steering Committee to continue the process of drawing up a Neighbourhood Plan (NP) for Tysoe. The NP reached the stage of a second draft before the process paused at the end of last year.

The importance of a Neighbourhood Plan

The importance of a NP is that, among other things, it spells out where in the village the residents are happy to allow housing development and what sort of housing they would prefer. Once approved by the residents in a referendum and adopted by Stratford District Council (SDC) it will provide a degree of protection from unwelcome development.

An important consideration in drawing up the NP is to define the boundary of the Local Service Village (LSV). SDC have allocated a portion of their housing requirement out to 2030 to LSVs within the District. The allocation requires Tysoe to take an additional 55 houses in that period (although this number may now be reduced by houses that have since been built or planning applications granted). Any houses built outside LSVs will be considered as "windfall" and count towards SDCs housing requirement but not towards the allocated requirement of any LSV.

Separate hamlet or one village

It can be argued that Lower Tysoe is a hamlet physically separate from the rest of Tysoe and as such should be regarded as outside the LSV and thus need not participate in the 55 house allocation.

Lower Tysoe certainly sits at a distance from the centre of Middle Tysoe which puts it on the cusp of what the planners regard as being part of the "sustainable" village. (It is worth remembering that historically both Upper and Middle parts of the village were also separate entities.)

However, it is indisputable that although physically separate from the main centre of Tysoe, Lower Tysoe is very much part of the village and the residents easily enjoy the commercial and social facilities provided by Tysoe village.

In the questionnaire which was sent round to all the residents of Tysoe by the original NP Working Group – 84% of residents said they considered Lower Tysoe to be part of Tysoe.

Understanding the issues

Moving forward it is important that the LSV boundary issue is resolved as it is a fundamental to the drawing up of the Neighbourhood Plan. To this end the new Steering Committee are

been that the residents of Lower Tysoe understand the pros and cons of being inside or outside the LSV:

Inside the LSV:

- Any new development in Lower Tysoe will count towards the 55 house allocation.
- Lower Tysoe would be treated in the same way as Middle or Upper Tysoe when it came to providing sites for housing development. The scale and type of development that Lower Tysoe would be expected to accept would be defined by the NP if it was within the LSV.
- The Parish Council and planning Committee would review any applications for development within the LSV by reference to the formally adopted NP.

Outside the LSV:

- SDC's means of determining a planning application depends on whether the Parish Council and the Ward Member agree to the application.
- Lower Tysoe would have no clear 'protection' accorded to it by the NP which could potentially make it vulnerable to future development.
- There could still be ribbon development between Lower and Middle Tysoe. Lower Tysoe remains a separate entity, devolved from the rest of the village and with its own special planning status. This may cause unnecessary friction between the areas that constitute "Tysoe".

A pragmatic and workable solution

It is the recommendation of the new Neighbourhood Plan Steering Committee that Lower Tysoe should be included in the Local Service Village **but with certain safeguards:**

- The green "buffer" between Lower and Middle Tysoe should be defined and maintained as undeveloped land.
- The maximum number of units in any single new development within Lower Tysoe to be restricted to three.
- That any new houses constructed in Lower Tysoe should be constructed in materials sympathetic with the vernacular style and should not alter the existing residential nature of the hamlet.

Similar safeguards will be built into the NP for the rest of Tysoe which will offer protection against mass development and building of unsympathetic houses. In this way Tysoe village, is treated as a whole, without any one area or hamlet being given special status.

Have your say!

Before these thoughts are included in the final draft of the NP it is important that we understand the feelings of the Lower Tysoe residents so, to that end, we invite all residents

of Lower Tysoe to enjoy a glass of wine and discussion of the issues on Friday October 7th at Fallowfield, Badgers Lane, Lower Tysoe at 7.30pm.

It would be appreciated if you could confirm your attendance either by email or phone to David Roache at [REDACTED] or [REDACTED] at least one week prior to the date.

On behalf of the Tysoe Neighbourhood Plan Steering Committee and Tysoe Parish Council

Appendix 8

Lower Tysoe Local Environment Group

[REDACTED]
Lower Tysoe

Warwickshire [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

Jane Millward
Clerk to Tysoe Parish Council

6th March 2018

Dear Members of the Parish Council,

As I'm sure you are aware, united in our concern about the two proposals submitted since December 2017 for a relatively large number of houses to be built in Lower Tysoe, a number of residents in Lower Tysoe have formed 'The Lower Tysoe Local Environment Group'.

The Group's present aims are to coordinate, support, inform, add to and assist with individual Lower Tysoe residents' activities and concerns: about these proposed developments; and about the impact on Lower Tysoe of any potential changes to its planning status.

We are happy, in confidence to the PC, to name members of the Group if that is helpful. Our Group currently consists of a significant number of Local Tysoe residents.

As we were putting together our Group's objections to the two developments, we became aware of some areas of concern about Tysoe's Neighbourhood Plan (NP) proposal for Lower Tysoe's possible inclusion in the Local Service Village (LSV) of Tysoe.

At present Stratford District Council (SDC) consider Lower Tysoe to be a separate hamlet, not in the Local Service Village; and, as such, planning applications are considered with the general presumption against development. As we went through the SDC planners' responses to previous planning applications it became clear what the key landscape features in Lower Tysoe are; and how SDC have done a good job in protecting them, basing their decisions on this important planning principle.

Our areas of concern are:

1. The indication in the first draft of the NP that a relatively large number of houses could be built on 5 sites in Lower Tysoe precipitated the two planning applications, which relied heavily on the draft NP in their submissions. Had these sites not been included in the NP this would not have happened on this scale. This has undermined our confidence in the level of protection that it is claimed being part of the Local Service Village would provide.
2. Coupled with this, whilst the NP Group state that Lower Tysoe residents have voted to be part of the LSV (in October 2016), the residents were wrongly informed prior to the vote when the NP Group stated in writing that *'It is the recommendation of the new Neighbourhood Plan Steering Committee that Lower Tysoe should be included in the Local Service Village but with certain safeguards: The maximum number of units in any single new development within Lower Tysoe to be restricted to three.'* David Roache recently admitted in an email to me that *'In retrospect I think we made an error in saying that we could limit the number of houses per site in Lower Tysoe to 3 or fewer. I don't believe that we have that power... Again this has undermined our confidence in the process.'*
3. We would like to point out the differences in scale and structure of the village of Tysoe and the hamlet of Lower Tysoe. I think we are agreed that there are about 390 houses in Tysoe and 40 in Lower Tysoe. There are no services in Lower Tysoe. The closest part of Lower Tysoe to the 'central services' is at the southern edge (Stoneythorpe), which is 700m from the shop by road or

made-up pavement. The vast majority of the 40 houses in Lower Tysoe, to the north, north-east and north-west of this southern edge, are in excess of 800m from these services by road or pavement. This is one of the key elements in determining whether housing development in a settlement is 'sustainable'. By SDC's Core Strategy definition, Lower Tysoe is not considered 'sustainable'.

4. In the Plan period (2011 – 2031) 11 houses have already been built or have planning permission in Lower Tysoe, suggesting a 25% increase to date. By contrast houses built or with planning permission in the LSV of Tysoe are 34, suggesting a less than 10% increase to date. In the current draft, a further 20 houses were allocated on sites for development in Lower Tysoe: potentially a 50% increase in the size of Lower Tysoe (which together with the initial 11 houses would be a 75% increase). By contrast in the current draft 44 houses were allocated for development in the LSV of Tysoe: potentially an approximate 11% increase in the size of the LSV (which together with the initial 34 houses would be a 20% increase). It is hard to escape the conclusion that Lower Tysoe is being recommended for inclusion in the LSV **substantially** on the basis that it will be expected to take a disproportionate number of the sites, and houses, contemplated in the NP for all of Tysoe. This also undermines our confidence in the NP's proposals for Lower Tysoe.
5. The NP steering committee have stated, in recent PC meetings, that in the next draft NP it intends to propose a separate 'Built-Up Area Boundary' (BUAB) for Lower Tysoe (within which development could take place) which will be 'tightly drawn' round Lower Tysoe, to 'limit development'. Its Chair, David Roache, has declined to provide any more detail on this. This too undermines our confidence in the NP process, and what the next draft NP might propose. Is there a need for this information to be confidential?
6. There already exists such a separate proposed BUAB in the current draft, made on the assumption that Lower Tysoe will be in the LSV. It is not clear how, in preparing a new BUAB for Lower Tysoe, it will be significantly different from that already proposed. Even if it is, to limit development to, say, half that proposed in the current draft (half of 20 = 10) the resultant increase in the size of Lower Tysoe would be 50%. Or 30% of the total currently being suggested will be recommended for all of Tysoe.

With these matters in mind, our Group propose to convene a meeting of Lower Tysoe residents: to become better informed about Lower Tysoe's current status; what is proposed for it; and what the advantages and/or disadvantages of a change to this status might be. The previous meeting was 18 months ago and, as described above, the 'vote' was based on a false premise. We would like to have the benefit, at the meeting, of an independent expert on such matters. We would also like to invite a member of SDC's Neighbourhood Plan team, and John Careford, SDC's Planning Policy manager, to the meeting.

We believe that this would not only help restore our confidence, by being better informed, but would aid the credibility and robustness of evidence needed for what might be proposed in the NP.

As well as informing you about our Group's existence and purpose, *we would like to ask for your support. The support we are seeking is to ask you to invite these SDC officers to our meeting. Such an invitation, we are advised, must come from an authorised body, such as the Parish Council.*

I would be grateful if you could let me know if you are willing and able to grant our request. If so, I will liaise with you to make the necessary arrangements.

We would further ask that the Parish Council requests the NP steering committee to hold an 'open' consultation, similar to that held in November 2016, before publication of the next draft NP.

This would provide an opportunity for us all: to have a better informed understanding of the number and type of houses that Tysoe might be expected to provide in the NP; to see and comment on the proposed changes to sites to be allocated for housing; to have the benefit of a more robust methodology of reflecting and evidencing comments on site preferences than the November 2016 consultation allowed; and to see and make suggestions about other NP policies that need to be considered.

Such a consultation might give residents and other stakeholders greater confidence about the proposed sites and policies which will be reflected in the next draft NP, before, not after, its publication. We fully understand that some effort is required to arrange such a consultation, and think that there are many who would be willing to assist with the arrangements. We hope the Parish Council will feel able to agree to this request.

Thank you.

Yours,

A black rectangular redaction box covering the signature of Rosemary Collier.

Rosemary Collier
Chair, Lower Tysoe Local Environment Group

Appendix 9

Graham Collier

From: John Feilding [REDACTED]
Sent: 04 June 2018 16:26
To: Rosemary Collier; Jane Millward; David Roache
Subject: FW: Lower Tysoe
Importance: High

Dear All

I was asked to arrange an informal meeting with officers of SDC concerning the NDP. The following is the response from John Careford.

All the best

John

Councillor John Feilding
Vale of The Red Horse,
Stratford-on-Avon District Council

Direct [REDACTED]
email [REDACTED], web www.stratford.gov.uk

From: John Careford
Sent: 04 June 2018 15:28
To: John Feilding
Cc: Matthew Neal; Rosemary Williams
Subject: Lower Tysoe

Dear Cllr Feilding,

I understand that there has been a request from the residents of Lower Tysoe for a meeting with SDC Officers in respect of the issue of a Built-up Area Boundary at Lower Tysoe, primarily to enable them to comment on the next consultation of the Tysoe NDP. It is important to remember that SDC has a statutory responsibility in respect of neighbourhood planning and has obligations to the Qualifying Body (i.e. the NDP Steering group/Parish Council). It is my view that attending such a meeting, particularly one where members of the QB/PC were not present, could give rise to concerns about the role of SDC in the NDP process.

Notwithstanding this, and to avoid any potential for misunderstanding I thought it would be helpful to set out below the position of SDC in respect of Built-up Area Boundaries. I would be happy for you to circulate this email to whomever you considered appropriate copying in the QB/PC.

Planning Policy Context

The current planning policy context is set out in the Core Strategy, namely, policies CS.15, CS.16 and AS.10. Policy CS.15 establishes how development will be distributed across the District seeking to direct development to what are considered to be the more sustainable and suitable settlements:

- A. Stratford-upon-Avon
- B. Main Rural Centres (MRC)
- C. New Settlements
- D. Local Service Villages (LSV)
- E. Large Rural Brownfield Sites
- F. All Other Settlements

This strategy is important, as the planning approach differs depending upon the type of settlement. For example, within the Built-up Area boundaries (BUAB) of Stratford-upon-Avon, the MRCs and the LSVs development is

acceptable in principle (i.e. SDC would be looking to approve development in these locations unless there were site specific e.g. design reasons that meant a scheme should be refused). In the 'All Other Settlements' and elsewhere across the rural area, save for some exceptions (as set out in Policy AS.10), there is a general presumption of restraint to development (i.e. unless a scheme fell within specific criteria SDC would be looking to refuse it).

Built-up Area Boundaries (BUABs)

BUABs provide certainty to both applicants and residents and ensures consistent application of planning policy by SDC. In essence, the BUAB identifies the limits of the settlement and distinguishes between the areas where the different policy approaches apply. Within the BUABs, development is acceptable in principle; outside the BUABs development is generally restricted (subject to exceptions).

The Core Strategy establishes BUABs for Stratford-upon-Avon and the MRCs but not for the LSVs (the wording of Policy CS.15 refers to BUABs or otherwise within their physical confines). The Site Allocations Plan (currently being prepared) will establish BUABs for the LSVs. Alternatively, SDC is happy for an NDP to identify a BUAB if the NDP considers it appropriate to do so.

Tysoe LSV

Whilst the Core Strategy identifies the settlement of Tysoe as a Category 2 LSV under Part D of Policy CS.15, it does not specifically define it. In advance of SDC determining the extent of Tysoe LSV through the Site Allocations Plan (or the NDP doing so where it has reached an advanced stage of preparation i.e. at least Regulation 16 submission stage), the working definition is that it refers to Upper and Middle Tysoe only, with Lower Tysoe falling to be considered under Part F of Policy CS.15: All Other Settlements.

Policy CS.16 identifies indicative housing numbers for the LSVs: Tysoe as an LSV2 should accommodate some 84 homes. Homes built elsewhere in the parish, including in Lower Tysoe (if not included within the BUAB/LSV), do not count towards the LSV numbers but contribute towards the 'rural' requirement.

Establishing a BUAB for Lower Tysoe would mean that, for planning purposes, Lower Tysoe would become part of the LSV of Tysoe; a village in two parts. Within its BUAB, as in accordance with Policy CS.15, small-scale development would be acceptable in principle. It is not unusual in Stratford District to find LSVs with separate parts to it: Mappleborough Green springs to mind which has 3 separate parts to it. Similarly, through its NDP, Little Kineton is now part of the MRC of Kineton (for planning purposes), albeit a separate and distinct settlement.

Lower Tysoe

SDC Officers do not consider that Lower Tysoe should be included within the Tysoe LSV and are not seeking to include a BUAB for Lower Tysoe in the emerging Site Allocations Plan (Members would be entitled to take a different view of course). Notwithstanding this, Officers would, however, be supportive if a BUAB were to be established through the NDP (as in the case of Kineton); the focus of Officers being to ensure that it had been drawn consistently and appropriately, with local evidence sufficient to pass independent examination.

The effect of establishing a BUAB for Lower Tysoe would be to change the planning status of the settlement from falling under CS.15 Part F to being part of the LSV under CS.15 Part D. The practical effect would be that small-scale (market housing) schemes are acceptable in principle, whereas under CS.15 F they would not with only the following residential schemes being considered acceptable e.g.:

- Local Needs Housing (e.g. affordable or local market homes that meet an identified local need) (CS.15 G)
- Conversion of an existing building (AS.10 C)
- Replacement dwelling (AS.10 F)
- Redevelopment of a 'bad neighbour' site (AS.10 G)
- Small-scale expansion of a mobile home site (AS.10 H)
- Home for a rural worker (AS.10 I)

These schemes would of course also be acceptable in Tysoe LSV itself.

Notwithstanding the above, the community of Tysoe Parish may consider that there are benefits to establishing a BUAB for Lower Tysoe. For example, it could create more opportunities for much-needed affordable housing to be

built off the back of market schemes (subject to the meeting the policy threshold), additional CIL receipts for the community from additional market homes, or generally adding to the vitality of the community by bringing in new people and helping to sustain local services and facilities and community life.

NDP Process

When formally 'made'/adopted by SDC, a NDP becomes part of the statutory Development Plan for the District and will be used by SDC to determine planning applications. To be 'made' the NDP must first be examined by an independent examiner who will check that the plan meets 'basic conditions'. If approved by the Examiner, (subject to any amendments) the NDP will then be considered by SDC Cabinet and go to a referendum of the parish. If it passes referendum it will then be formally 'made' at a meeting of SDC Council.

I trust this is of assistance and helps to clarify matters and enables all of those involved to make more informed decisions in respect of the Tysoe NDP.

Regards,

John Careford *MRTPI*
Policy Manager (Planning & Housing)
Policy Team, Stratford-on-Avon District Council
01789 260801

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Appendix 10

Instructions at the Public Consultation:

Why are you here?

We will have to build houses in Tysoe to meet Stratford's Housing Target. Currently Tysoe is allocated a minimum of 55 houses (although some have already been built). There is no maximum.

You need to make your views known about where you think these should be in the village so you can be in charge not the developers.

Change will come but it can be managed through

The 2010/11 Strategic Plan

Your views are important in shaping how Tysoe will develop. You need to let us know what is important to you about Tysoe, what needs protecting and what could be better. What you say will form the blueprint for how the village will develop.

How do your opinions help to shape your vision for us?

What you need to do

Around the room is a series of map.

Each covers a different topic.

Each map also has a suggestions box and cards for you to write what you think.

On the Site Allocations map for potential sites you can mark where you think houses should be built with a green pin and a red pin for the sites you don't like. If there are sites that you think should have houses on them but which are not marked then stick in a blue pin.

On the other maps look at what the map covers and do the same with stickers or post it notes, or even draw on the map, for example indicate where you have seen wildlife like badgers and foxes. Mark where there is flooding.

Tell us which are your favourite parts and what needs protecting.

If you have any photographs let us have them when you can.

At the end give some thought to your Vision for Tysoe.

How can you help to shape the future?

And finally reward yourself with a cup of tea or coffee. You deserve it.

Appendix II

Matthew Neal

From: David Roache <[REDACTED]>
Sent: 09 February 2018 09:20
To: John Careford
Cc: Chris Saint; Jacqui Sinclair; Jane Millward; John Feilding
Subject: Re: Tysoe BUAB

Dear Mr Careford,

Many thanks for your response. First of all I should point out that I am not a Councillor, I am the Chairman of Tysoe Neighbourhood Plan Group but not a member of the Parish Council.

As you say, this is really a matter of timing. Whilst we have quite conclusive evidence that it is the wish of the majority of Tysoe (all three settlements) residents that Lower Tysoe be considered part of the greater village of Tysoe the NDP is, as you say, not at a fully advanced stage. Having said this the issue of Lower Tysoe is, with a few residents of Lower Tysoe, a very sensitive matter and the publication of a consultation document which appears to continue to support the non-inclusion of Lower Tysoe merely adds fuel to that particular fire. Whilst I understand your argument about having to follow protocol I am disappointed that following the Parish Council's response to the 2017 consultation which clearly expressed the view that Lower Tysoe should have its own BUAB rather than being classed as an isolated hamlet an exception could not have been made. As it is we are now having to contend with a very vocal minority view which wishes to ignore the majority view in Tysoe and support the "isolated hamlet" view.

Unlike many other truly isolated hamlets (Compton Wynyates, Winderton, St Dennis etc.) residents of Lower Tysoe feel part of Tysoe and utilise the amenities in Tysoe, many of them by walking the short distance to Middle Tysoe utilising the well maintained footpaths. To argue that Lower Tysoe is "isolated" is to not understand the dynamics of the greater Tysoe settlements.

We will continue to progress the NDP as quickly as is reasonable and present the case for Lower Tysoe having its own BUAB, with supporting evidence, when we have the second draft Plan available for consultation.

Regards,

David Roache

From: [John Careford](#)
Sent: Friday, February 09, 2018 8:30 AM
To: [David Roache](#)
Cc: [Chris Saint](#) ; [Jacqui Sinclair](#) ; [Jane Millward](#) ; [John Feilding](#)
Subject: RE: Tysoe BUAB

Dear Cllr Roache,

Cllr Feilding has asked me to reply directly to your email to him sent 31st January.

For information, copied below is the response to the BUAB consultation that was endorsed by Members at the Leader's Policy Advisory Group and which therefore formed the basis of the draft BUABs that were endorsed by Cabinet in October 2017.

Appendix 12

APPENDIX

Tysoe Record June 2018

PARISH COUNCIL - April

April was a busy month for the PC in terms of meetings. At the meeting on the 23rd Cllr Sue Haines responded to a complaint which had been received from a resident concerning a comment she had made at a previous meeting. She apologised if anyone had been upset by the comment, but still believes that the actions of some Lower Tysoe residents are causing divisions within the village.

An email was received from the developer regarding a development adjacent to Church Farm Court, wishing to name it Meadow Lane. The PC all agreed St Mary's Close would be more acceptable as road names should relate to the village in some way.

At the meeting on the 14th May Jacqui Sinclair was re-elected as Chair and Colin Locke as deputy. Cllrs areas of responsibility remain unchanged.

David Roache gave further updates on the Neighbourhood Plan which is progressing.

The next NP meetings will be in the VH on 31st May and the 6th June. These meetings are open to all. We urge all parishioners to take an interest in the plan as it affects the future of the village.

Cllrs were annoyed that the new road (mentioned earlier) was to be called Meadow Close, it would seem that the PC's suggestion had been overruled and feel that they have been let down again by SDC.

Other matters included led street lighting, grass mowing in Middleton Close, blocked drains and village greens.

DC Feilding reported on various issues including hedge screening on Kendrick development and building at the horse sanctuary.

Full minutes on website www.tysoe.org.uk or notice board.

Appendix 13.

Matthew Neal

From: Jane Millward <[REDACTED]>
Sent: 27 April 2018 17:31
To: John Careford
Cc: Matthew Neal
Subject: Re: NDP and Lower Tysoe

Many thanks John.

I will forward this on to the Chair of the Council who asked me to raise this.

Kind regards

Jame

On Fri, 27 Apr 2018 at 16:46, John Careford <John.Careford@stratford-dc.gov.uk> wrote:
Dear Jane,

Thank you for your email to Matthew.

We have taken advice from District Council's Head of Governance and Democracy. He raises concerns with the idea of a referendum. He is of the view that the best way forward is for the Parish Council to continue with the second Regulation 14 (pre-submission) consultation with the community as this would provide the best opportunity to explain explicitly the implications for including or not including a settlement boundary for Lower Tysoe within the NDP.

This is because, for example, the consultation could include a specific question on whether to include a boundary for Lower Tysoe which would give the QB the same outcome as a potential referendum but with the added benefits of ensuring that the community (a) understands the issues at hand (through explanatory text) and (b) are themselves able to provide comments to the QB on the issue rather than a simple yes/no.

The Parish Council could also vote specifically on the issue to ensure democratic accountability.

I trust this is helpful.

Regards,

John Careford MRTPI
Policy Manager (Planning & Housing)
Policy Team, Stratford-on-Avon District Council
01789 260801

-----Original Message-----

From: Jane Millward [mailto:parishclerk.tpc@gmail.com]
Sent: 24 April 2018 15:10
To: Matthew Neal
Cc: Jacqui Sinclair
Subject: NDP and Lower Tysoe

Dear Matthew

Matthew Neal

From: Jane Millward <parishclerk.tpc@gmail.com>
Sent: 24 April 2018 15:10
To: Matthew Neal
Cc: Jacqui Sinclair
Subject: NDP and Lower Tysoe

Dear Matthew

Cllr Sinclair the Chair of the Parish Council has asked me to write to you regarding the inclusion or not of Lower Tysoe in the local service village (LSV).

This matter continues to be debated within the community. Cllr Sinclair has three questions:

If a referendum was held should the question of whether Lower Tysoe is included in the LSV or not be put just to the residents of Lower Tysoe or the entire Parish?

Secondly do you think a referendum on this issue is a good idea and should it take place before or after the next 6 week public consultation?

If a referendum is held how should this be conducted.

Many thanks for your assistance

Kind regards

Jane
Tysoe Parish Clerk

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