

Bearley Neighbourhood Development Plan

Schedule of proposed amendments to modifications as set out in Examiner's Report

Original Text	Examiner's modification	Amended Figure/Text	Justification for proposed amendments (to be subject to Regulation 17a consultation)
<p><u>Policy H1</u></p> <ul style="list-style-type: none"> • Proposed policy wording set out on p.38 of Submission version NDP. • Proposed BUAB set out in Figure 7, p.39 of the Submission version NDP. • Proposed policy supporting text set out in paragraphs 5.1.1-5.1.10 of the Submission version NDP. 	<p>Amend policy wording of H1, proposed BUAB and supporting text to Policy H1 (as set out on p.28-29 of the Examiner's Report)</p> <p><u>Examiner's Reasoning</u> The Examiner proposed several amendments to the policy wording of Policy H1 in order to be in general conformity with the SDC Core Strategy and have appropriate regard to the NPPF.</p> <p>The Examiner also considered the basis on which the BUAB of the NDP, as identified in Figure 7, p.39 of the Submission version Neighbourhood Plan should be prepared. The Examiner considered that the BUAB should be based on that proposed within the Site Allocations Plan consultation draft, in addition to a further 'island' of land at the Countrywide Stores. This was contrary to the Parish Council's position that the</p>	<p>The District Council do not raise any issues with the Examiner's proposed modifications to the policy wording and supporting text.</p> <p>However, it is proposed to make seven amendments to the BUAB as modified by the Examiner's recommendations in his Report. These proposed amendments are set out within the List of Proposed Amendments to Bearley BUAB for Regulation 17a Consultation, the Proposed Changes to NDP BUAB Map and the Amended NDP BUAB (as Proposed) Map. This sets out, firstly, the list of amendments proposed within a numbered table. Each numbered amendment in this list corresponds to the amendments illustrated within the "Proposed Changes to NDP BUAB" Map, which shows each of the amendments to the Examiner's recommended BUAB proposed as part of the Regulation 17a consultation. The "Amended NDP BUAB (as</p>	<p>The Examiner states within the Examiner's Report that the BUAB should be based on the Site Allocations Plan consultation, stating at paragraph 10, p.25 that "the commentary and evidence on the BUAB should commence with the Site Allocations Plan Consultation". The Examiner also recommended modifications to paragraph 5.1.2 of the Submission version NDP in order for this text to clarify that the BUAB is based on the draft settlement boundary drawn up by the District Council for the Site Allocations Plan (SAP) consultation, together with a further 'island' made up of the site of Countrywide Stores."</p> <p>As such, the Examiner is clear that the BUAB identifying the main settlement should be based upon that drawn up for the Site Allocations Plan consultation.</p> <p>However, the Examiner's recommended modifications to the proposed BUAB (as shown within the "Proposed Changes to NDP BUAB" Map) do not result in a BUAB that consistently applies the BUAB Methodology from the SAP.</p> <p>The Examiner is also not clear within his Report which version of the SAP the BUAB should be based on, although he does note at paragraph 9, p.25 of his Report the Methodology of the 2018 Revised Scoping and Initial Options SAP. The Parish Council have been consulted on this, and have clarified that the NDP BUAB was based on this 2018 SAP BUAB Methodology. It is therefore considered that this version of the SAP and its BUAB Methodology should be used as the basis of the NDP BUAB.</p>

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	<p>BUAB was based on the Landscape Sensitivity Study 2012. The Examiner concluded that while the Landscape Sensitivity Analysis is helpful in identifying landscape zones, its purpose is not helpful in identifying the BUAB. Accordingly, the Examiner instead considered that the BUAB should be based on that proposed within the Site Allocations Plan draft consultation.</p> <p>The Examiner detailed at paragraph 9, p.25 of his report the SAP BUAB Methodology identified in the Revised Scoping and Initial Options Site Allocations Plan 2018.</p> <p>In terms of the Examiner's amendments to the BUAB, the Examiner recommended that the BUAB be modified to remove the built-up area boundary from the area at Bearley Cross, i.e. north of the railway line and west of A3400. The Examiner agreed with the view of the District Council that this area should be excluded from the BUAB,</p>	<p>Proposed" Map illustrates how the NDP BUAB would look as a result of these proposed Regulation 17a amendments being implemented.</p> <p>In summary, amendments are proposed to the BUAB at the main settlement in order to align with the BUAB proposed within the Site Allocations Plan 2018 Revised Scoping and Initial Options document, so as to be consistent with the BUAB Methodology contained within the 2018 SAP.</p> <p>Furthermore, it is also proposed for residential curtilage associated with the property known as "The Old Vicarage" to be included within the BUAB, as well as residential curtilage associated with the property known as "The Chimney House". Although these areas of land are not shown within the Bearley BUAB contained in the 2018 SAP, further research has discovered that these areas of land are residential curtilage in nature.</p> <p>The proposed amendments to the BUAB are shown within the</p>	<p>Amendments are therefore required to the BUAB proposed by the Examiner's recommended modifications, so that the boundaries encompassing the main settlement are consistent with the BUAB Methodology of the 2018 Revised Scoping and Initial Options SAP.</p> <p>The proposed amendments to the BUAB in order to align with the 2018 SAP have been made only to the NDP built-up area boundary identifying the main settlement of Bearley. It is proposed to retain the additional further 'island' consisting of the site of the Countrywide Stores, located to the west of the main settlement, as currently shown within the Submission version NDP and as recommended within the Examiner's Report. This is shown within the accompanying "Proposed Changes to NDP BUAB" Map.</p> <p>This is because, in the Examiner's Report and his recommended modifications to supporting text 5.1.2, the Examiner specifically identifies the site of the Countrywide Stores as a separate 'island' within the NDP BUAB, and has considered this 'island' separately to the BUAB of the main settlement of Bearley. As such, due to the different basis on which the Examiner has considered this separate 'island' of land at the former Countrywide Stores compared to the main settlement, it is considered appropriate to keep this separate parcel of land as currently proposed within the BUAB, as illustrated in the "Proposed Changes to NDP BUAB" Map.</p> <p>Amendments to the BUAB are also required to include lawful residential curtilage associated with the property known as "The Old Vicarage." This is as, following further evidence that has come to light, it has been determined that the residential curtilage associated with the dwelling</p>

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	<p>as he considered that it was characterised by a loose pattern of individual properties, and that the area was physically detached and distant from the main built up area of Bearley.</p> <p>Modification was also made to the supporting text of the policy. Of particular note, modification was recommended to paragraph 5.1.2, to make clear that "the BUAB is based on the draft settlement boundary drawn up by the District Council for the Site Allocations Plan (SAP) consultation together with a further 'island' made up of the site of Countrywide Stores."</p> <p>The NDP BUAB as recommended by the Examiner is shown as the black boundary within the "Proposed Changes to NDP BUAB" Map.</p> <p>(See pages 24-28 of the Examiner's Report for full text).</p>	<p>List of Proposed Amendments to Bearley BUAB for Regulation 17a Consultation, "Proposed Changes to NDP BUAB" Map and "Amended NDP BUAB (as Proposed)" Map as follows:</p> <ol style="list-style-type: none"> 1) Addition of residential garden land associated with property known as "Manor House" to BUAB 2) Removal of small area of land from BUAB 3) Removal of small area of open space from BUAB 4) Addition of residential garden land associated with property known as "The Chimney House" to BUAB 5) Addition of residential garden land associated with dwellings to BUAB 6) Addition of residential garden land associated with property known as "The Old Vicarage" to BUAB 7) Minor amendment to northern boundary of BUAB 	<p>known as "The Old Vicarage" was not correctly drawn in either the NDP BUAB or the BUAB of the 2018 Revised Scoping and Initial Options SAP. Enforcement records from 2009 show that land to the south-west of the dwelling was determined to be immune from enforcement action for its use as garden land, as it had been used for this purpose in excess of ten years. The land was therefore immune from enforcement action under Section 171b of the Town and Country Planning Act 1990. In addition, a Certificate of Lawfulness has, following examination of the Plan, been issued in March 2021 to confirm the lawful use of the land as garden associated with this property (Ref: 21/00247/LDE).</p> <p>Further to this, it is determined that land associated with the property of "The Chimney House" also needs to be included within the BUAB. Following further research, it is determined that the residential curtilage associated with this dwelling was not correctly drawn in either the NDP BUAB or 2018 SAP BUAB. The site location plan associated with planning permission 16/02118/FUL (for erection of gates, fencing and enlarged parking area) shows land to the east of the dwelling within the 'red line' denoting the application site (and therefore associated residential curtilage of the property).</p> <p>The methodology for the Site Allocations Plan 2018 Revised Scoping and Initial Options consultation draft states that residential curtilage should be included in built-up area boundaries for settlements. As such, to ensure a consistency of approach, amendments are required to include these areas of residential curtilage associated with the properties of "The Old Vicarage" and "The Chimney House" within the NDP BUAB.</p>

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			<p>In full, the amendments to the BUAB and justification for these are as follows:</p> <p>1) Include land within BUAB. This area of land includes garden land associated with the dwelling known as "Manor House". This area of land was included within the Bearley BUAB consulted on within the 2018 SAP Revised Scoping and Initial Options draft, as it was assessed to form part of the residential curtilage of this property. The BUAB Methodology for the 2018 SAP stated that "areas of residential curtilage unless these areas are clearly paddocks or orchards or land more appropriately defined as non-urban" should be included within the identified BUABs for settlements. Whilst the BUAB Methodology of the 2018 SAP also states that "'Manor Houses' and their associated land" should be excluded from settlement BUABs, the application of the BUAB Methodology is also stated in the 2018 SAP to be subject to local circumstances. Due to the presence of such local circumstances, it was assessed to be appropriate for this dwelling known as "Manor House", and its residential curtilage, to be included within the BUAB for Bearley in the 2018 SAP. As such, in order to be consistent with the 2018 Revised Scoping and Initial Options SAP, it is proposed for this additional area of residential curtilage associated with "Manor House" to be included within the NDP BUAB.</p> <p>2) Remove land from BUAB. This small area of land, comprising part of Snitterfield Road, was not included within the BUAB for Bearley as proposed within the 2018 Revised Scoping and Initial Options SAP. As such, in order to be consistent with the BUAB of the 2018 SAP, this area of land is proposed to be removed from the NDP BUAB.</p>

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			<p>3) Remove land from BUAB. This area of land, comprising of a small area of open space on the edge of the settlement, is not included within the SAP BUAB as shown in the 2018 Revised Scoping and Initial Options SAP. The proposed amended BUAB removes this area of open space to align with the boundary shown in the 2018 SAP.</p> <p>4) Include land within BUAB. Following further research, it is determined that the residential curtilage associated with the dwelling known as "The Chimney House" was not correctly drawn in either the NDP BUAB or 2018 SAP BUAB. The site location plan associated with planning permission 16/02118/FUL (for erection of gates, fencing and enlarged parking area) shows land to the east of the dwelling within the 'red line' denoting the application site (and therefore associated residential curtilage of the property). Aerial imagery shows that the area of land included within this site location plan is bounded by vegetation/ hedgerows, and therefore appears visually to be part of the curtilage of the Chimney House. Accordingly, the proposed amended BUAB line includes the entire residential curtilage as shown on the approved location plan from planning permission 16/02118/FUL.</p> <p>5) Include land within BUAB. The area of land concerned includes garden land associated with several separate dwellings, forming part of the residential curtilage of these dwellings. This area of land is included within the BUAB of the 2018 Revised Scoping and Initial Options SAP. Amendments to the BUAB are therefore required in order to align with the 2018 SAP BUAB Methodology, which states that areas of residential curtilage should be included in the built-up area boundaries of settlements. The proposed amended BUAB</p>

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			<p>therefore includes the entire residential curtilages of these properties, as confirmed through planning records and research undertaken during the preparation of the SAP.</p> <p>6) Include land within BUAB. Following further evidence that has come to light, it has been determined that the residential curtilage associated with the dwelling known as "The Old Vicarage" was not correctly drawn in either the NDP BUAB or the BUAB of the 2018 Revised Scoping and Initial Options SAP. Enforcement records from 2009 show that land to the south-west of the dwelling was determined to be immune from enforcement action for its use as garden land, as it had been used for this purpose in excess of ten years. Accordingly, it is considered that this land should have been considered as residential curtilage of the Old Vicarage, and therefore included within the BUAB in accordance with the SAP methodology. This is as the land had been used for this purpose for a period of time in excess of ten years, and was therefore immune from enforcement action under Section 171b of the Town and Country Planning Act 1990.</p> <p>Further to this, a Lawful Development Certificate (21/00247/LDE) was issued on 10th March 2021, confirming that the lawful use of land to the south-west of the dwelling is garden land associated with the property of The Old Vicarage, for purposes ancillary to the residential occupation of the property.</p> <p>In order to accord with the 2018 SAP Methodology, which states that the residential curtilage of dwellings should be included in BUABs, the NDP BUAB is therefore amended to include this area of lawful garden land as denoted</p>

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			<p>within the plan included in the decision notice of 21/00247/LDE.</p> <p>7) Remove land from BUAB. This involves a very minor amendment to 'tighten' the northern BUAB currently shown in the NDP around curtilage land associated with garages, in order to accord with the BUAB proposed in the 2018 SAP.</p>