

Agenda Item No: 12
Report To: Cabinet
Date of Meeting: 30th July 2020



Report Title: Adoption of Brook village envelope boundary map

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Portfolio Holder Cllr. Shorter
Portfolio Holder for: Planning & Development

Summary:	The adopted Local Plan include policies that refer to the 'built-up confines' of settlements. Officers have prepared a village envelope map of Brook to indicate where the Council currently considers the existing built-up confines of Brook are. This map will help to clarify the written definition in the Local Plan for the purposes of decision-making on planning applications.
	The report seeks the Cabinet's approval to adopt the Brook village envelope boundary as informal guidance for development management purposes.

Key Decision: NO

Significantly Affected Wards: Bircholt

Recommendations: The Cabinet is recommended to:-

- I. Adopt the village envelope boundary shown in the appendix to this report as informal guidance for development management purposes; and
- II. Delegate authority to the Spatial Planning Manager following consultation with the Portfolio Holder for Planning & Development to amend, where relevant, the village envelope boundary to account for the construction of new development.

Policy Overview: Local Plan policy HOU3a is important in the consideration of applications for new residential development in the borough. The policy interpretation relies on a written definition of the 'built-up confines' of a settlement set out in the Plan. The proposed village envelope boundary contained within this report reflects this interpretation in broad terms taking account of local geography and would be used as informal guidance to assist in the interpretation of what constitutes the 'built-up confines' in individual cases.

Financial There are no financial implications

Implications:	Once approved, the map can be used for development management purposes and applied to relevant planning applications.
Legal Implications:	None, aside from the map now having greater planning weight as a material consideration
Equalities Impact Assessment:	Not required.
Data Protection Impact Assessment:	None
Risk Assessment (Risk Appetite Statement):	None
Sustainability Implications:	None specifically. The endorsement of the map is a visual representation of existing Local Plan policy.
Other Material Implications:	None.
Exempt from Publication:	NO
Background Papers:	Appendix 1: Brook Village Envelope Map
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Introduction and Background

1. Over successive Local Plan, the ‘built-up confines’ or village ‘envelope’ of a settlement has been defined in written terms as the “*limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g. garden areas).*”
2. At the Cabinet meeting in April 2019, Members agreed to adopt a series of village envelope plans for a range of rural settlements in the borough as informal guidance for development management purposes, to aid in the interpretation of policies HOU3a and HOU5 of the Local Plan.
3. In the case of Brook village, this envelope was deferred at the Local Plan & Planning Policy Task Group in March 2019 and not brought forward to the April 2019 Cabinet meeting. This was to allow the determination of a planning application prior to a decision being taken on where to draw the built-up confines boundary.
4. This application has now been granted planning permission and the village envelope has been produced to reflect the site’s inclusion in the built-up confines.

Proposal

5. This report seeks the Cabinet’s approval to adopt the village envelope boundaries for Brook, as shown in Appendix 1 as informal guidance for development management purposes.

Implications and Risk Assessment

6. If the Cabinet agree the recommendation for adoption, then the village envelope map contained in the appendix will become material consideration in the application of policy HOU3a in the determination of planning applications. This will establish guidance on the clear principle of whether development should be permitted or not.
7. It is recognised that the village envelope map recommended for adoption is based on a broad interpretation of the written definition of built-up confines in the Local Plan. This results in some very minor inconsistencies where in some cases, for example, garden areas have been excluded and in other, included within the village envelope, or where some areas of ribbon development on roads entering settlements have or have not been included.

8. For these issues, an element of subjectivity and local context has been applied but this would also be the case where schemes would be determined in the context of just the written definition and so any level of risk here is regarded as minimal.

Consultation Planned or Undertaken

9. The village envelope boundary went out for consultation with the parish council in November 2018. This raised the area of concern for Brook Parish Council regarding the site of the planning application. The decision was to defer the village envelope until the planning application was determined.
10. The permission for 3 dwellings was granted and the site was considered as inside the village confines. The outcome of this decision was material to the village envelope and the proposed village envelope, shown in Appendix 1 to this Report, includes this site within the confines.
11. The Local Plan & Planning Policy Task Group on the 27th May 2020 endorsed the proposed village envelope for Brook to use as informal guidance for development management purposes.

Other Options Considered

12. In a situation where a village enveloped was to be adopted that was not in broad conformity with the written definition of built-up confines in the Local Plan, this would potentially place any decision taken to permit development to take place in locations outside where the written definition would suggest at risk of legal challenge, particularly in the context of settlements identified under policy HOU3a of the Local Plan. Similarly, if it were proposed to limit the extent of a village envelope boundary where the location of existing development on the ground would not justify such a boundary in light of the written definition on the Local Plan, then again any decisions to refuse permission for development based on such a boundary would be at risk of legal challenge. Consequently, the written definition of built-up confines in the adopted Local Plan 2030 is considered to be the robust basis for this exercise.

Next Steps in Process

13. This report recommends the Cabinet to adopt the village envelope boundary shown in the appendix to this report as informal guidance for development management purposes.

Conclusion

14. Debates about the precise position of where the built-up confines of settlements are located has been along running theme in the determination of many planning applications over the years. In many settlements, the footprint of development will be fairly obvious in large part but often there will be a

minority of places where it is inevitably a subjective view and could be defined in more than one way.

15. Of course, development is not static and villages may grow and evolve and villages' envelopes will need to respond to this. Therefore, the village envelope map will need to be a 'live' document and updates will be produced as and when new development that would naturally extend a village envelope is constructed and reviewed on at least an annual basis as part of the Council's housing completions monitoring.

Portfolio Holder's Views (Cllr. Shorter)

16. Awaiting comments.

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Appendix 1: Brook Village Envelope Map

