

# Hearing Position Statement

## Matter 8 – Settlement Boundaries, Issue 1 Methodology and Application

*Prepared For*  
**Moorhaven Ltd (respondent  
0205)**

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## CONTENTS

<b>1</b>	<b>MATTER 8 – SETTLEMENT BOUNDARIES</b>	<b>1</b>
	Q1. Are the proposed settlement boundaries appropriate and justified?	1
	Q2. What methodology was employed to identify them?	1
	CONCLUSION	7



# 1 MATTER 8 – SETTLEMENT BOUNDARIES

## Q1. ARE THE PROPOSED SETTLEMENT BOUNDARIES APPROPRIATE AND JUSTIFIED?

## Q2. WHAT METHODOLOGY WAS EMPLOYED TO IDENTIFY THEM?

- 1.1 The settlement boundary for Bittaford is not appropriate and justified. In SD22 (Dartmoor Local Plan 2018 - 2033: First Draft (Regulation 18)) Map 7.11 shows the proposed settlement boundary for Bittaford. At the regulation 18 stage, the north western corner of the settlement boundary followed the road that encloses this land as a natural physical boundary. Our client submitted a representation supporting the inclusion of this land within the boundary as shown below:



Figure 1 - regulation 18 Bittaford Settlement Boundary

- 1.2 However, at the regulation 19 stage a revised settlement boundary was drawn, showing the land circled above excluded from the settlement boundary. We understand that the LPA excluded both parcels of land circled because it is in 'equestrian' use.



Figure 2 - Regulation 19 Bittaford Settlement Boundary



- 1.3 The position taken by the LPA at the regulation 19 stage and now put forward for adoption is not sound.
- 1.4 The Inspector will be in receipt of our regulation 19 response (respondent reference 0205) which sets this position out, and we have suggested that the land in the north west corner of the settlement (the larger encircled area above) and additional land to the north should be included within the settlement boundary. In response to this, the LPA have produced SD16/SD17 which sets out their detailed response to our representation. In this document, the LPA state:

*“Authority Response:*

*Proposed amendment to the Settlement Boundary to include the residential properties to the north, aligned with residential curtilage boundaries consistent with the methodology. The methodology clearly states equestrian uses should not be included, so the area of land with this use is not proposed to be included within a revised boundary.*

*Authority Proposed Action:*

*Proposed minor change to the Settlement Boundary incorporating part of the area of land identified in the Representation.”*

- 1.5 Whilst the above is noted, **we are unable to find any alteration to the settlement boundary as part of the LPA’s suggested modifications to the plan.** There are no changes highlighted in document SD241 (running list of modifications) and we would ask the Inspector to query this at the hearing. The response of the LPA clearly suggests that they are prepared to include the houses to the north within the settlement boundary as drawn in our reg 19 representation.
- 1.6 The LPA have clearly acknowledged in document SD16/SD17 that they have misapplied their methodology and made a mistake. They acknowledge that the houses to the north of our clients land (visible at the top of the image below) should be included within the settlement boundary. They should therefore amend the boundary as the suggest but also include the land outlined in red below.





*Figure 3- Aerial photo of the additional land to be included in Settlement Boundary as per the regulation 18 version of the Local Plan*

1.7 The land outlined in red is equestrian land (see the photos set out below) comprising an arena and horse walker. We would ask the Inspector to visit the site to view the arrangement first hand because it is clear that the arena and horse walker that have been erected are manmade features and previously developed land. As such, the road that encloses this land should be the physical feature, which is used to demarcate the settlement boundary, not the arbitrary line currently drawn.



*Figure 4 - our client's previously developed land which should be included in the settlement boundary for Bittaford*



Figure 5 - the road which should be the defining feature that encloses the settlement boundary for the settlement and the access to additional commercial buildings that have been removed from the settlement boundary.

### Misapplication of Methodology

- 1.8 Paragraph 3.4.1 of SD104 (Vision and Spatial Strategy Topic Paper) contains the methodology which defines how Settlement Boundaries will be drawn for the Local Plan. Having reflected on this since our reg 19 reps, it is clear that 1) the settlement boundary as drawn and 2) the methodology itself, are both fundamentally flawed and are not sound.
- 1.9 Settlement boundaries are drawn using a set of key principles in order to be robust, consistent and precise. However, by not including the land highlighted in red in figure 3, the LPA are in breach of both criterion **2, 4 and 8** of their methodology. Criterion 2 states:
- 1.10 *“2. Settlement boundaries should, wherever possible relate to defined physical features such as field boundaries, roads or water courses. The width of roads or rivers should normally be excluded.”*
- 1.11 Quite simply, the settlement boundary could clearly follow the road and hedge line which encloses this and neighbouring land. By bisecting our clients land ownership as they have done, they have not used a clear or logical boundary for the settlement. The road is a permanent defined physical feature which would be a much more suitable marker.
- 1.12 Criterion 4 states:
- 1.13 *“4. Settlement boundaries can include greenfield areas that are not allocated for development or carrying a current permission only where they clearly form part of the settlement and are defined by strong boundary features. They would not normally exceed 0.3 hectares in size.”*





1.14 The land should be included on the basis that it can be classed as ‘previously developed land’. However, we would ask the Inspector to note that even greenfield land can be included where it clearly forms part of a settlement, it is defined by a strong boundary feature (such as the road shown) and it does not exceed 0.3ha in size. Looking at the screenshot below, the land we are suggesting should be included within the settlement boundary is under the 0.3ha threshold.

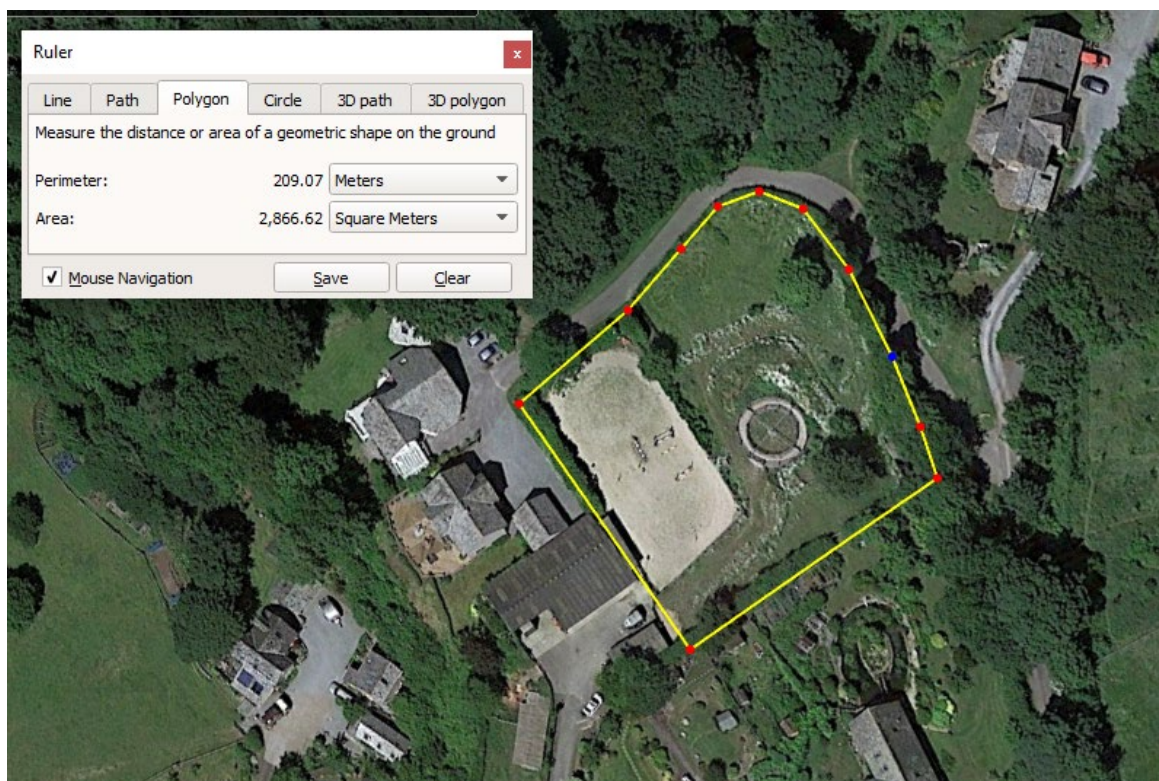


Figure 6 - The land proposed for inclusion within the settlement boundary comprises an area of approximately 0.288 ha

1.15 Criterion 8 states:

1.16 *“8. Settlement boundaries should normally follow the boundaries of the curtilage or properties except where buildings or structures are located in large grounds or open areas on the edge of settlements where the plot or area of extended garden may be excluded.”*

1.17 If the Inspector visits the site, they will see that the line drawn on the plan by the LPA does not accurately bely the position on the ground. The site is clearly read as being associated with adjacent outbuildings and residential properties and it should be included within the settlement of Bittaford given its relationship to surrounding properties and landforms.

### Flawed methodology



- 1.18 Criterion 6 states that “...Settlement boundaries should normally exclude the following land uses; agriculture, forestry, equestrian, minerals extraction or landfill sites....”
- 1.19 However, this part of the methodology is flawed because it unreasonably excludes previously developed land from being included within the settlement boundary for Bittaford and other villages.
- 1.20 Annex 2 of the National Planning Policy Framework (the Framework) defines previously developed land as, “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures.”
- 1.21 Whilst we can understand the exclusion of agricultural, forestry and minerals extraction or landfill site land uses, equestrian uses should not be excluded by virtue of constituting previously developed land. As the Inspector will be aware there are numerous appeal cases where this has been confirmed. Appeal References: APP/Y0435/W/17/3178790 Land to the Rear of Castle Road and North of The Glebe, Lavendon, Olney and APP/D3125/W/19/3235474 Clover Court, Bushley Drive, Oxford are such examples – and the land outlined in this instance is the same.
- 1.22 We also appreciate there will be instances where equestrian land may contain open paddock land which may have an ‘open and rural’ character that warrants it be excluded from a settlement boundary. However, where equestrian development has resulted in man-made installations and artificial surfaces (such as that laid out at our clients’ site) this land is clearly previously developed and should be included within any settlement boundary.
- 1.23 Noting the Local Plan’s ambitions to allow growth and development to take place within rural settlements such as Bittaford, it seems there are potentially many ‘previously developed’ sites being excluded due to this definition, which runs contrary to the definition of previously developed land in the NPPF. In this regard, we would suggest that criterion 6 of the methodology is fundamentally flawed and that settlement boundaries have not been drawn on a sound basis.





- 1.24 The criterion for assessing suitable land uses at section 6 should reflect advice in the NPPF, or at the very least be caveated to allow equestrian uses to be included where they comprise man-made structures and associated man-made surfaces and paraphernalia.
- 1.25 Alternatively, equestrian development should be included as an acceptable use at criterion 5.

## CONCLUSION

- 1.26 To conclude, we would draw the Inspector's attention to paragraph 4.1.3 of the LPA's methodology which states "...settlement boundaries provide clarification for the application of policies by identifying, in essence, the division between the built up area of the settlement and the surrounding open countryside. In the context of the Core Strategy a settlement boundary identifies whether a site proposed for development would be within, adjoining or outside of the Local Centre. Settlement boundaries therefore support policy by preventing the encroachment of development into the open countryside..."
- 1.27 Applying a common sense approach to the settlement boundary for Bittaford, the land we have referred to in figure 3 is not 'open countryside. It is in fact, previously developed land, used in associated with a number of properties owned by our client and their family. **If the Inspector visits the site, they will see that the line drawn on the plan by the LPA does not bely the position on the ground. The site is clearly viewed and experienced as being within the settlement of Bittaford in relation to surrounding properties and landforms.**
- 1.28 Noting that settlement boundaries are in place to illustrate the division between the built up area of the settlement and the surrounding open countryside – this settlement boundary is wrong. It has been drawn incorrectly and the LPA have not provided sufficient justification as to why it has been amended from the regulation 18 stage.
- 1.29 Furthermore, the LPA have openly acknowledged in their response to our regulation 19 representation that this settlement boundary is not currently drawn in accordance with the methodology set out. Their response makes this clear. The boundary is not sound in its current form and it needs to be amended.