

# Titley Group Neighbourhood Development Plan 2011-2031

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## **Initial Comments of the Independent Examiner**

**Prepared by**

**JOHN SLATER BA(Hons), DMS, MRTPI**

**John Slater Planning Ltd**

**18<sup>th</sup> May 2023**

### **Introductory Remarks**

1. As you will be aware, I have been appointed to carry out the examination of the Titley Group Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited the parish on Monday 15<sup>th</sup> May 2023. I spent most of my time in Titley and I also visited Staunton on Arrow, but I also drove around the other hamlets in the parish and was able to gain a good appreciation of this part of Herefordshire's fine countryside.
2. At this stage, I cannot confirm whether the examination of this Plan will proceed by the consideration of the written material only. I have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but my decision will depend to a large extent on the responses I receive to this note. Once I receive responses from both the Parish Council and Herefordshire Council, I will confirm my decision as to whether a hearing will be required.
3. Set out in the following paragraphs are a number of questions or requests for clarification or comments which are directed to the Parish Council or in some cases to Herefordshire Council. Such requests are quite normal during the examination process.

### **Relationship to the Last Examination**

4. I am very conscious that the previous version of the neighbourhood plan did not receive a positive vote at its referendum. I am also acutely conscious that that version of the plan passed its examination, subject to modifications recommended by the previous Examiner, Ann Skippers.
5. This is a new neighbourhood plan and I have been appointed to examine it afresh. I will, of course, have regard to the recommendations of Ann Skippers, especially where there are no changes in terms of what this plan is proposing, compared to the earlier version. However, my role is to examine the plan, as submitted, and come to my own conclusions, which may or may not be in line with the original examiner's conclusions.
6. For example, there may be changes in circumstances between when the original plan was examined in 2019 and the situation in 2023. Similarly, I do not feel bound to follow her conclusions. The situation is analogous to where a new examiner is appointed to review another examiner's recommendation, where the LPA is not minded to accept an initial examiner's recommendation under the provisions of paragraph 13(2) of Schedule 4B of the Town and Country Planning Act 1990.

### **Herefordshire Core Strategy**

7. With regard to the adopted Core Strategy, can Herefordshire Council identify which of its policies are to be considered strategic policies for the purpose of the basic conditions test?

### **Letter from Titley and District Group Parish Council**

8. Upon my appointment as examiner, I received a letter, via Herefordshire Council, from the Parish Council, dated 25<sup>th</sup> April 2023, which set out some background to assist my examination. I am pleased that a copy has been placed on Herefordshire's website, as it is important that all information which relates to this examination is placed within the public domain.
9. I would like to offer Herefordshire Council the opportunity to comment on that letter and its appendices, if it feels that it is necessary.
10. That letter has prompted a number of questions specifically regarding the drawing of the settlement boundary around Balance Farm, which had been the major change between this plan and the previous plan, that failed to achieve a majority at the referendum held on 6<sup>th</sup> May 2021. These questions arise from my observations on site, as well as the letter, plus reading the plan itself, and the Regulation 16 representations.
11. Firstly, can Herefordshire Council confirm whether it considers the outline planning consent granted in 2016 under reference P160381/0 has now lapsed?
12. If it has lapsed, should the housing commitments shown in Table 1 be revised? Equally, are there any further changes required to the housing figures set out in that table, in view of the passage of time?
13. I was able to judge for myself the visibility at both the immediate site entrance and also at the junction of the B4355 and Eywood Lane. Can Herefordshire Council advise whether there are any accident records related to that junction?
14. I appreciate that there are enhanced permitted development rights associated with agricultural buildings. It would be helpful to understand whether the agricultural storage building has the potential to be converted to residential use under Class Q or possibly commercial uses under Class R, or indeed an educational use under Class S of the Town and Country Planning (General Permitted Development) Order 2015, as amended. I do not know whether it would fall within the size parameters set out in the GDPO or whether the issues of possible traffic generation are capable of being controlled via the prior approval mechanisms particularly in respect of "transport and highway impacts of the development". I would appreciate the views of both the Parish Council and Herefordshire Council on whether this would be an arguable fallback position.

### **Policy TG2: Housing Needs and Requirements**

15. Can Herefordshire Council update me on the application for the designation of the rural parishes in the county as "rural" under Section 157 of the Housing Act 1985? Was it successful?
16. Does Herefordshire have a view as to whether the policy for supporting new housing only within settlement boundaries, is in general conformity with Core Strategy Policy RA2: Housing in settlements outside Hereford and the

Market Towns, which supports housing growth in *or adjacent to* settlements?

### **Policy TG5: Titley settlement boundary**

17. I would like to explore the reason for not including the Titley Court complex within the settlement boundary. I note the reason given, suggesting that the fact that the walled garden would be unsuitable for development means the rest of the complex should be excluded from being within the settlement. However, it could be argued that just because a site is within the settlement boundary, does not mean that housing will inevitably be supported. For example, the neighbourhood plan has chosen to include the proposed area of new open space within the settlement boundary, but the presumption in favour of residential development would not mean that an application proposing housing on that open space would be acceptable.
18. It appears that there is going to be an area of land between the proposed two new dwellings, which have been supported under reference P 193183/F and the housing allocation, which will fall outside of the settlement and therefore has to be treated as countryside. It seems to me that this land would not be a sensible area to be used beneficially for agriculture and it is not proposed as open space. What use would the Parish Council expect to see this land being put to?
19. Does Herefordshire Council see that the making of the neighbourhood plan would be a material factor leading to the reconsideration of the resolution to approve the above referenced application as Mr Forbes appears to fear in his Regulation 16 correspondence?
20. Could Herefordshire Council offer a view as to whether the remaining agricultural building at Titley Court on the east side of the entrance track would be capable of conversion under Class Q?
21. Does the Parish Council have a view whether the part of the field immediately between the 2 allocations and the main road through the village would be acceptable as a housing site, as it falls within the settlement boundary?

### **Policy TG9: Economic Development in Titley Group**

22. Paragraph 84 of the NPPF refers to planning policies enabling the sustainable growth and expansion of all types of business in rural areas, not just through conversions but also through the erection of “well designed new buildings”. Does the Parish Council have a justification as to why “well designed new buildings” should not be supported by policy in this part of Herefordshire

### **Concluding Remarks**

23. I am sending this note direct to Titley Group Parish Council, as well as Herefordshire Council and I would request that the two parties’ response to my questions should be sent to me by 5 pm on **9<sup>th</sup> June 2023** and also copied to the other party.

24. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also Herefordshire Council's website.

John Slater BA (Hons), DMS, MRTPI, FRGS.

Independent Examiner to the Titley Group Neighbourhood Plan

18<sup>th</sup> May 2023