

SANDLEHEATH VILLAGE DESIGN STATEMENT SUPPLEMENTARY PLANNING DOCUMENT – RECOMMENDATION TO REVOKE

1 BACKGROUND

- 1.1 The Sandleheath Village Design Statement (VDS) Supplementary Planning Document (SPD) was adopted by Cabinet on 1st October 2014. This SPD was produced in accordance with the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012, and New Forest District Council's Statement of Community Involvement. The new SPD gives detailed guidance aimed at maintaining local character and distinctiveness within Sandleheath Parish, and supplements Policy CS2: Design Quality of the adopted Local Plan Core Strategy. An Adoption Statement was published by the District Council to this effect.
- 1.2 The production of the document had been led by Sandleheath Parish Council in discussion with Council Officers. Comments from Council Officers were provided in 2008 and 2010 and the Parish Council worked to refine the VDS in response to those comments.

2 THREAT OF CHALLENGE

- 2.1 This Council has recently received correspondence from a local landowner concerned about the inclusion of his land within an area referred to as a 'gap' to be protected from development within the SPD without his knowledge. He raises concerns about the consultation process that had been followed in preparing the document. The letter states that this Council should withdraw the SPD or face a legal challenge by way of Judicial Review.

3 GROUNDS FOR CHALLENGE

- 3.1 While the formal part of the consultation process has been carried out correctly by this Council, it would appear that the Parish Council are unable to provide sufficient clarity on the pre-production part of the consultation process which they undertook.
- 3.2 Having taken advice from the Head of Legal & Democratic Services it is the view of officers that while the formal part of the consultation process has been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, there is insufficient clarity on the pre-production part of the consultation process and therefore the pragmatic way forward is to revoke the SPD.
- 3.3 In addition, there is a prospect that the 'special gap' guidance could be found to be inconsistent with the District Council's statutory Development Plan policies.
- 3.4 If the adoption is revoked it will be for the Parish Council to decide how it wishes to proceed in terms of a new / revised Village Design Statement or possibly a Neighbourhood Plan.

4 ENVIRONMENTAL IMPLICATIONS / CRIME & DISORDER IMPLICATIONS / EQUALITY AND DIVERSITY IMPLICATIONS

- 4.1 The SPD increases understanding and appreciation of local character and design in Sandleheath and the design advice provided aims to improve the quality of the built environment.
- 4.2 There are no implications for Crime and Disorder, or for Equality and Diversity.

6 FINANCIAL IMPLICATIONS

- 6.1 None.

7 RECOMMENDATION

- 7.1 **It is recommended that the Sandleheath Village Design Statement (Supplementary Planning Document) is revoked by New Forest District Council.**

8 PORTFOLIO HOLDER DECISION

I have agreed to the recommendations of this report.

Signed: CLLR F P VICKERS

Date: 13-11-14

<p>For further information contact:</p> <p>Andrew Herring Planning Policy Planner Policy and Plans Team Tel: 023 8028 5345 E mail: andrew.herring@nfdc.gov.uk</p>	<p>Background: Planning file</p>
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Date on which notice given of this Decision - 14 November 2014

Last date for call-in - 21 November 2014