

Report of	Meeting	Date
Director Partnerships, Planning and Policy (Introduced by the Cllr P Malpas Executive Member for Partnership and Planning)	Executive Cabinet	12 August 2010

GARDEN DEVELOPMENT

PURPOSE OF REPORT

1. To inform members of the recent change to national planning policy that means that private residential gardens have been re-classified as Greenfield rather than Brownfield land.
2. To outline what this change means for Chorley and to set out our planned approach in light of this change.

RECOMMENDATION(S)

3. That the Executive Cabinet endorse a proposed Interim Policy Statement and approve it for use as a Development Control tool when assessing proposals for new development in residential gardens. To approve a 6 week public consultation period to secure additional public support/weight to the policy.

EXECUTIVE SUMMARY OF REPORT

4. Nationally and locally there have been concerns about the amount of housing development taking place in residential gardens and its impact upon residential areas. The new Coalition Government recognise these concerns and have changed the definition of garden land in planning policy so that is now classified as Greenfield, rather than Brownfield. To reflect this policy change and local concerns an Interim Policy Statement is proposed that aims to prevent garden development in the Borough.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. To ensure an appropriate response to the Coalition Government changes to planning policy and to reflect local concerns.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	/
Involving people in their communities	/	Ensure Chorley Borough Council is a performing organization	/

BACKGROUND

8. For a number of years national planning policy on housing has defined private residential gardens as previously developed land. However, nationally and locally there have been concerns about the amount of housing development taking place in gardens and its negative impact upon established residential areas. The previous Government slightly amended Planning Policy Statement 3 – Housing (PPS3) in early 2010 to highlight that there is no presumption that all previously developed land is suitable for housing, nor that all of a building’s curtilage should be developed. However, this did little to deter garden development.
9. On 9th June 2010 the new Coalition Government published a revised version of PPS3. This removed private residential gardens from the definition of previously developed land meaning that private residential gardens are now considered Greenfield rather than Brownfield land. The national indicative density minimum of 30 dwellings per hectare was also removed. In its letter to Chief Planning Officers of the 15th June 2010 the Government stated that these changes “give Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and ‘garden grabbing’”.
10. The aim of this definitional change is to enable authorities to reject residential garden development that is opposed by local people and undermines the character of the area. The changes remove the presumption in favour of developing garden land. However, whilst the definition has changed (and the national minimum density target removed) no other changes to policy have occurred. Accordingly the changes do not rule out the development of private residential gardens. National policy in PPS3 prioritises the development of Brownfield land and as there is no maximum target, by implication, if PDL could supply 100% of housing need then it should. However the national target for Brownfield development is currently 60% (which is lower than the Chorley target of 70% in the revoked Regional Spatial Strategy (RSS) which suggests that 40% of new houses can still be accommodated on Greenfield land.
11. The removal of the national indicative density minimum of 30 dwellings per hectare gives local authorities greater freedom to decide what density levels are appropriate for their localities allowing them to respond to local characteristics/local distinctiveness. Responding to local density and distinctiveness will preclude garden developments in many instances.
12. The changes to PPS3 reflect the emphasis of the new Coalition Government on giving power back to local councils and local communities. On 25th May 2010 the Decentralisation and Localism Bill was announced in the Queen’s Speech. It covers the new Coalition Government’s proposals for a wide range of planning and related legislation. The Bill aims to devolve greater powers to local councils and neighbourhoods and to give local communities more control over planning decisions that affect them. The Government signalled its intent by revoking Regional Spatial Strategies (RSS) with immediate effect on 6th July.

GARDEN DEVELOPMENT IN CHORLEY

13. The development of private residential gardens for new housing has been increasing in recent years in Chorley, although the overall percentages are relatively small. Fewer than five additional houses were developed in gardens in the Borough in 2006/07 and 2007/08. In

2008/09 there were 11 houses built in gardens (3% of all housing completions) and in 2009/10 there were 36 houses built on garden sites (8% of all housing completions). There are currently just over 100 houses with planning permission on garden sites that are yet to be built or are under construction. 62 of these houses are on larger sites of 5 units or more and 22 of these houses are single dwellings. This equates to about 3% of the total number of units that have planning permission. However, where garden development is proposed it is often contentious and opposed by local people. Matters of concern include the design and bulk of the buildings, compromised privacy, reduced garden size, the effect on daylight and sunlight, the design of the car parking, traffic generation and changes to the character of the surrounding area. Such developments are also taking place in a piecemeal manner without contributing to infrastructure and affordable housing provision.

CHORLEY'S RESPONSE TO THE CHANGES

14. Existing Chorley Local Plan policies prioritise the development of Brownfield Land and there are a range of policies that aim to ensure good residential design. However, these policies do not reflect the recent changes to PPS3 and it is therefore considered appropriate to revise the Council's approach to reflect the recent changes. An Interim Policy Statement is proposed. A draft of the proposed Policy Statement is attached at Appendix 1.

Interim Policy

15. The proposed Interim Policy Statement has a presumption against residential development in private gardens. Proposals for housing development on non-allocated housing sites in settlements excluded from the Green Belt are currently assessed against the provisions of Local Plan Policy HS6, which relates to windfall housing sites. The Interim Policy Statement will update this policy to introduce a presumption against residential development in private gardens. An additional criterion is proposed to be added to this policy stating that new housing will not be permitted on private residential garden land.
16. This approach is justified by the current housing land supply situation in the Borough. PPS3 requires local authorities to demonstrate a deliverable 5 year housing supply and it gives a presumption in favour of residential development where there is less than a 5 year supply of such sites. The 2010 Central Lancashire Strategic Housing Land Availability Assessment (SHLAA), which is due for publication during summer 2010, will indicate that Chorley has a 5.9 year deliverable housing supply. Therefore, there is no need to approve unpopular residential development on garden sites to meet housing targets. Chorley has sufficient housing land to meet short-term commitments from existing sites identified in the five-year supply. The forthcoming SHLAA also identifies sufficient developable housing land in the 6 – 10 year and 11 – 15 year periods, so there is no need to release garden sites to meet longer term housing requirements. However, it should be noted that there are approximately 100 units on garden sites that already have planning permission, so these units are still likely to be built on garden land over the next few years.
17. In terms of the impact of the changes on the Council's ability to meet previously developed land targets these are not considered to be significant. When gardens were defined as previously developed land, 78% of homes in the Borough were built on brownfield sites in 2009/10. The definitional change reduces this to a figure of about 70%. However, the Council is still exceeding the national 60% target. Using the revised definition, 78% of the sites in the future 5 year supply for the period 2010 – 2015 are brownfield sites. Therefore, the Council can continue to meet brownfield targets in the next five years.

18. The Interim policy sets out that the restrictions will not apply to:
- Agricultural workers dwellings/dependents where there is a proven need and they need to be located in a specific location
 - replacement dwellings where there is no more than one for one replacement
 - the conversion of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses, and the conversion would have significant urban regeneration benefits
 - development that is considered to be appropriate for that location.
19. The current Government recognise the importance that residential gardens make to the character of an area and this revised approach in the Interim Policy is considered to be in line with its guidance and the localism agenda.

Core Strategy & the Site Allocations and Development Management Policies Development Plan Document (DPD)

20. The publication Core Strategy is currently temporarily on hold to allow officers and members at Chorley, Preston and South Ribble Councils to consider the implications of the revocation of RSS and other changes introduced by the new coalition government. This document includes policies on the design of new buildings and housing density, but was prepared before the changes to PPS3 were announced. Therefore, these policies will be revised to take account of the changes and give stronger formal policy protection for gardens.
21. Work is underway on a Site Allocations and Development Management Policies DPD. This presents a further opportunity to gain the support of the community to resist garden development with a formal policy.

CONCLUSIONS

22. Nationally and locally there have been concerns about the amount of housing development taking place in gardens. In response to these concerns the new Coalition Government have reclassified garden land as Greenfield land. To reflect this policy change and local concerns an Interim Policy Statement is proposed that aims to prevent garden development in Chorley.

IMPLICATIONS OF REPORT

- 23 This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

COMMENTS OF HEAD OF GOVERNANCE

The policy as drafted provides the Council with sufficient discretion to take into account all material planning considerations when making a decision on an application for the development of garden land.

However, the reclassification of gardens as greenfield land is a subtle amendment to the law in this area and it is suggested that the Counsels advice is sought on the sustainability of this policy prior to its adoption.

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

Report Author	Ext	Date	Doc ID
Stephen Lamb	5282	26 th July 2010	Cabinet12thaugust2010V2***

Background Papers			
Document	Date	File	Place of Inspection
Planning Policy Statement 3 – Housing	June 2010	-	Union Street