

## **APPENDIX 1**

It is intended to produce an interim policy for further consultation and endorsement based on an amended Chorley Local Plan Saved Policy HS6 – Housing Windfall Sites below.

### **Policy HS6 – Housing Windfall Sites**

**Within the boundaries of settlements, residential development on sites not allocated in Policy HS1 will only be permitted provided that the applicant can demonstrate:**

#### **2. That all of the following criteria are met:**

- (a) The site does not fall within private residential gardens.**
- (b) The site is accessible to employment, shops and community services.....etc**

### **Justification**

In Chorley garden developments are causing concern because of their negative impact. Matters of concern include the design and bulk of the building, 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 to affordable housing provision.

Chorley's housing commitment can currently be met from sources other than gardens. The 2010 Central Lancashire Strategic Housing Land Availability Assessment (SHLAA), which is due for publication during summer 2010, indicates that Chorley has a 5.9 year deliverable housing supply, so there is no need to release gardens for housing development. Land with potential for housing is also identified for the 6–10 year and 11–15 year periods. Therefore, the Borough's future housing requirements can be met from existing housing allocations, previously developed sites, and safeguarded land without reliance on garden development.

Garden sites were previously regarded as 'brownfield' under the governments land classification of previously developed land (PDL) and were favoured sites for developers as they were situated in residential areas, often presenting less physical issues than brownfield sites that were, eg old industrial contaminated sites. However, the revision to Planning Policy Statement 3 – Housing (PPS3) has changed the classification of garden curtilages to green field land. This has removed the presumption in favour of the development on such sites.

PPS3 states that "Good design should contribute positively to making places better for people. Design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It goes on to state that

“Local Planning Authorities should develop a shared vision with their local communities of the type(s) of residential environments they wish to see and develop design policies that set out the quality of development that will be expected for the local area, aimed at: Creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive and have their own distinctive identity and maintain and improve local character.

Matters to consider when assessing design quality include the extent to which the proposed development: Provides .... private outdoor space such as residential gardens, patios and balconies and provides for the retention or re-establishment of the biodiversity within residential environments. PPS1 – Delivering Sustainable Development - states that the planning system should facilitate and promote sustainability by, amongst other things, protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities. Biodiversity is a national and local priority and the Borough’s Greenfield land supply, especially within gardens is essential to maintain existing biodiversity within existing built up areas. Also, from a sustainability point of view, and as endorsed by the Publication Draft Core Strategy, gardens can play a key role in providing access to healthy food, local food growing. This policy aims to support this aspiration by safeguarding existing gardens within developments.

PPS25: Development and Flood Risk is also relevant in the context of garden development as such development can result in a loss of green space/soil sealing/paving over gardens, ultimately leading to the loss of habitats and biodiversity and increased risk of flash flooding.

It is recognised that at a local level, communities do not support and actively object to such use of gardens for construction of dwellings and consider that such development is undermining the local distinctiveness of their areas. Accordingly, the Council will resist applications for garden development. Applications for new residential development at such locations, including the renewal of existing planning consents will only be permitted for:

- agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.
- replacement dwellings in situ 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.

Given the local political will and public opposition to garden grabbing, and the Coalition’s commitment to the Localism Agenda, this policy is fully supportive of **Chorley Council’s Corporate Strategy 2009/10 – 2010/11**, in particular Strategic Objective 3 – ‘Supporting People Getting Involved in Improving Their Communities.’ It will help to deliver Strategic Objective 4 – ‘Improve Environmental Sustainability and Combat Climate Change ‘ by protecting the local natural environment and thereby improving biodiversity. In addition, it will

contribute to the delivery of Strategic Objective 5 – ‘Develop the character and feel of Chorley as a great place to live’ by resisting garden development in response to the wishes of local residents in recognition that such developments are undermining local distinctiveness and landscape quality.