

**Local Plan**  
Publication Stage  
Representation Form

**Ref:**

**(For  
official  
use only)**

**Name of the Local Plan to which this representation relates:**

**South Staffordshire Council  
Local Plan 2023 - 2041**

**Please return to South Staffordshire Council BY 12 noon Friday 31 May 2024**

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

**Part A**

**1. Personal Details\***

**2. Agent's Details (if applicable)**

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text"/>	Mr
First Name	<input type="text"/>	Paul
Last Name	<input type="text"/>	Harris
Job Title (where relevant)	<input type="text"/>	Director
Organisation (where relevant)	Hampton Oak Ltd	Vista Planning Ltd
Address Line 1	<input type="text"/>	The Firs, Brackenhurst Road
Line 2	<input type="text"/>	Newchurch
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E-mail Address (where relevant)	<input type="text"/>	paul@vistaplanning.co.uk



# Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>
(3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached representations

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.



Please see attached representations

(Continue on a separate sheet /expand box if necessary)

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please see attached representations

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.**

**Data Protection**

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at <https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>

Please return the form via email to [localplans@sstaffs.gov.uk](mailto:localplans@sstaffs.gov.uk) or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX





# VISTA

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PH/24.125  
17 May 2024

Dear Sir/Madam

**South Staffordshire Local Plan Review (2023 – 2041): Publication Plan Consultation (April 2024) Land at Fenton House Lane, Wheaton Aston**

**Introduction**

Vista Planning Ltd. has been instructed by Hampton Oak Ltd to prepare these representations to the South Staffordshire Local Plan Review Publication Plan (Regulation 19) consultation. Hampton Oak has an interest in land off Fenton House Lane, Wheaton Aston, hereafter the Fenton House Lane site (The 2023 SHELAA Ref is 619 but the site also includes the land to the immediate west), a site immediately adjacent to the settlement boundary and outside of the Green Belt.

The representations are made in the context of the requirement for Local Plans to be legally compliant and sound. The tests of soundness are set out at paragraph 35 of the Framework. In brief, a plan will be sound if it is:

- a) **positively prepared**; providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;



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- b) **justified**; an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence
- c) **Effective**; deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** enabling the delivery of sustainable development in accordance with the policies in the Framework and other statement of national policy, where relevant.

These representations raise significant concerns with the plan's soundness. More specifically with the plan's strategy, both in terms of the overall level of housing growth proposed (particularly having regard to the scale of unmet need within the Greater Birmingham and Black Country Housing Market Area) and the distribution of homes within the plan area.

To this end, these representations set out that in order for this plan to be adopted, it *must* be subject to main modifications to, amongst other things, increase the overall level of housing growth over the plan period and rebalance the equity of housing distribution by settlement. Given that much of the land outside of the district's settlements is Green Belt, it is of utmost importance that the plan maximises the opportunities for sustainable growth in non Green Belt locations.

Whilst such modifications will be subject to further consultation, we submit at this juncture that the Fenton House Lane site represents a sustainable option to help address the identified deficiencies in the soundness of the plan through the delivery of around 50 new homes (including up to 30% affordable), plus other key benefits in highly sustainable location that both aligns strongly with the Council's aims of delivering sustainable housing growth and boosts the supply of housing that is deliverable within the early part of the plan. An assessment of the site's performance against key planning criteria is set out within these representations.

In terms of the format of these representations, they are split into various sections which consider the following main issues:

- Site location and context
- Housing Need within the Housing Market Area
- The Spatial Strategy - Delivery from the proposed allocations;
- The Site Assessments;
- Development Principles
- Conclusion and case for allocation of the Fenton House Lane site.

The following documents are attached as appendices to this representation:

- Concept Master Plan
- Site Location Plan

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## **Executive Summary**

The significant issue of unmet need within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) poses a significant challenge for the HMA authorities. Only very limited progress towards solving the issue has been made to date. The collapse of the emerging Black Country Plan in 2022 and the emerging unmet need position arising in Birmingham City to 2042 compounds the problem further. Given that accommodating the unmet need of neighbouring authorities underpins the soundness tests of positive preparation and local plan effectiveness, the significant reduction (by 3,360 homes) in the plan's contribution to the GBBCHMA's unmet need (in comparison to the last submission version of the plan) can at best be described as illogical.

Indeed, even if the GBBCHMA unmet need position had remained static, this fundamental amendment to the plan's strategy would be of significant concern, but in the face of a worsening position, the plan's revised stance is an astonishing one, and we contend, one which renders the plan unsound.



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Despite the recent Framework updates, the duty to cooperate prevails and as such, we assert that there remains a need for this plan to play its part in addressing this growing unmet HMA need through the allocation of more homes, which for this predominately Green Belt authority, must mean making the most of sustainable growth opportunities in the few non Green Belt locations within the district.

The spatial strategy as presented acknowledges the suitability of Tier 3 settlements to accommodate housing growth but now proposes less allocations in such settlements than the previous publication version of the plan. Moreover, it retains a significant reliance on windfall housing delivery (indeed it has almost doubled in terms of its percentage proportion of total housing delivery) without any realistic prospect of that coming forward due to the Green Belt nature of the district.

We assert that the Fenton House Lane site, to the immediate north of Wheaton Aston, which by the council's own evidence is a suitable site within this settlement to deliver growth can assist the council in providing a greater number of homes within the district through a proportionate extension in a non-Green Belt location.

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### **Site Location and Context**

As set out above, the Fenton House Lane site lies immediately adjacent to the north western edge of the defined settlement boundary of Wheaton Aston. It is broadly rectangular in plan, comprising two adjoining parcels of approximately equal size separated by a central hedgerow and extends to circa 1.9 hectares (4.8 acres). St. Mary's C of E First school, with access from Marston Road lies to the north east, whilst the houses fronting Fenton House Lane are located to the south east.

The site comprises the eastern part of a large field which is currently in use for grazing and is contained in the main by low hedgerows along all boundaries. There is an existing access to Fenton House Lane.

In the Regulation 18 Preferred Options version of the plan, the land to the immediate north west of the Site (SHLAA ref 610) was allocated for residential development. Thus, it is reasonable to conclude that there are no technical constraints to its delivery. The same conclusions can be drawn in respect of the Fenton House Lane site.

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### **Housing Need**

Applying the standard method, South Staffordshire's housing need for the 2023-2041 period is set at 4,086 dwellings. In addition, a contribution of 640 dwellings is included towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) within which South Staffordshire is located (down 3,360 dwellings from the 4,000 dwelling contribution in the previous Reg 19 version of the plan). The total number of dwellings planned for is therefore 4,726. The Strategy exceeds this number but includes a 600 home windfall allowance which represents 11.5% of the total housing delivery over the plan period.

The plan's emphasis on the role it has to play in meeting the needs of neighbouring areas has shifted from the previous version of the plan. No longer does it acknowledge that one of its key roles is to assist in meeting the significant unmet needs (para 5.8 of the 2022 Reg 19 plan) of the GBBCHMA. Instead, (para 3.7) it states that the needs of neighbouring authorities should be planned for unless NPPF policies provide a strong reason for restricting development. It is, in effect, leaning on NPPF Footnote 7 (which includes Green Belt as an area or asset of particular importance) to justify the significant reduction (largely through Green Belt allocations) in the plan's contribution to the GBBCHMA unmet need.

Unquestionably however, the unmet need remains and we assert that a contribution of just 640 homes towards the GBBCHMA shortfall is far too low.

The issue of GBBCHMA unmet need has been an evolving challenge. It was first identified following the adoption of the Birmingham Development Plan in 2017, the examination of which identified a Birmingham city only shortfall of 37,900 homes (to 2031).

The 2018 Growth Study followed the adoption of the Birmingham Development Plan in 2017, It is important to recognise that this 37,900 home shortfall figure is the only figure that has actually been tested and found sound at local plan examination.

Taking the Birmingham City unmet need position as a starting point therefore, based on the contributions set out in plans within the HMA which have either been submitted for examination, examined or adopted, the total 'contribution' to unmet need arising from Birmingham alone to 2031, amounts to just 8,615 dwellings (North Warwickshire – 3,790, Solihull - 2,105, and Stratford – 2,720).

Notably, only two of these plans have actually been adopted (North Warwickshire and Stratford) with, at the time of writing, Solihull's plan facing significant delay (requiring main modification to find a further c.1,700 homes). Thus, just 6,510 homes towards this 'plan identified' 37,900 home

Birmingham City shortfall to 2031 actually have the benefit of an adopted plan behind them to facilitate their delivery. The residual ‘Birmingham City unmet need’, (using the Plan identified figure as the starting point) therefore stands at c.31,400 homes at the time of writing.

In terms of the total wider HMA shortfall (which includes Birmingham City and the unmet needs acknowledged in the now collapsed Black Country plan), it remains a somewhat fluid position complicated in part by the fact that the timeframe upon which the evidence for the Black Country Plan was based is different (2020-2039) to the 2018 (2011- 2031/2036) Growth Study and *does* include the standard method. Nevertheless, in crude terms there is an identified shortfall of 37,900 homes from Birmingham and c. 29,000 homes from the combined Black Country Authorities, a total shortfall (partly to 2031 and partly to 2039) in excess of c. 67,000 homes. If we deduct from this the 6,510 homes that have the benefit of an adopted plan behind them, it leaves a shortfall of c.60,500 homes.

Setting that aside for the time being and focusing on the position solely to 2031, various position statements on behalf of the HMA authorities have been published since the initial 2018 growth study. These statements set out the progress made in tackling the shortfall, the latest being in April 2023 which claims that the shortfall stands at just 2,053 homes. This conclusion however ignores the application of the ‘standard method.’ Once adjusted to account for it, the shortfall (to 2031) rises to c.35,000 homes. The reality is likely to be even greater. Turley’s ‘Falling Even Shorter’ report (Dec 2023), calculates the shortfall as closer to 41,000 homes (to 2031) which rises to c.80,000 homes by 2040.

Accordingly, the scale of unmet need to 2031 remains in our view, substantial and the lack of time within which to deal with it presents a major challenge for the HMA authorities.

To put that in perspective, the proposed 640 home contribution to the GBBCHMA represents a 2% contribution to the overall ‘best case’ c.35,000 homes shortfall to 2031. In our view, and particularly given the strong spatial connection that South Staffs has with the Black Country, the plan needs to deliver a

much higher percentage contribution.

We maintain therefore that for this plan to be justified and effective, there needs to be a greater contribution towards meeting the unmet needs arising within the GBBCHMA. Owing to the way in which the majority of the existing settlements within South Staffordshire are constrained by the Green Belt, it follows that the opportunities in sustainable non Green Belt locations (such as Wheaton Aston) need to be maximised rather than scaled back. Policies DS4 – Development Needs and DS5 – The Spatial Strategy to 2039 requires revision to this effect therefore.

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### **Spatial Strategy**

By way of some context, the Preferred Options plan identified ‘Option G’ as the preferred option for housing growth. This option would, in general terms, provide for the following: infrastructure-led development with a garden village area of search (along the A449 corridor) beyond the plan period. In addition, new housing delivered during the plan period would be focused in Tier 1 to 4 villages (60%) and urban extensions (to the north of the Black Country conurbation) and rural villages (40%).

As is stated in the Strategic Housing and Infrastructure Delivery (SHSID) report which informed the Preferred Option version of the plan, Option G, proposed growth in the villages dispersed across the first four tiers of the settlement hierarchy, with a larger proportion of housing growth being focused on the Tier 1 and 2 villages (40% and 17% respectively). The Tier 3 villages were to accommodate some 6% of the total housing growth. (It should also be noted that the diagram on p.43 of the SHSID report in relation to Option G clearly shows that, at that stage, there would be additional housing within Wheaton Aston beyond the existing allocations and any safeguarded land) The Preferred Options version of the plan consequently proposed 2 new housing allocations (426a - 15 units and 610 – 22 units) beyond a site (379 – 18 units) which already had the benefit of



planning permission.

The 2022 version of the Publication Plan removed site 610 as an allocation, with the site assessment work citing landscape sensitivity issues. The contribution of the Tier 3 settlements is now just 4.4%.

Despite the removal of this draft allocation, the spatial strategy continues to rely on a windfall allowance in order to deliver some 11.5% (600 homes) of its overall housing requirement. Indeed, this allowance is increased by 150 homes from the Preferred Options plan. Policy DS5 – The Spatial Strategy confirms that limited windfall housing growth is possible and will be supported across the district’s settlements in Tiers 1-4 of its hierarchy. The policy is explicit in stating that housing growth will not be suitable for the Tier 5 settlements or the wider rural area.

What is in doubt, however, is whether this level of ‘windfall’ development is realistic, particularly given the district’s high percentage of Green Belt. We assert that there can be no guarantee that windfall homes will come forward in those numbers. Indeed, noting that none of the proposed allocations within the plan are within any existing settlement boundary indicates that any windfall development that comes forward will need be outside any settlement boundary where (for the most part) it will be in the Green Belt. The reality is therefore, that the only windfall development (beyond single plots or conversions) that will be possible will be rural exception proposals. The delivery of c. 600 homes as predominantly rural exception schemes seems highly unrealistic.

Accordingly, we maintain that there is a need for the proposed housing strategy to allocate further sites across the district, particularly in the Teir 3 settlements which are sustainable but where little to no development is proposed.

It is contended that Wheaton Aston is one such settlement that is appropriate to accommodate further housing growth. Unlike much of the district, it is not constrained by the Green Belt. The Fenton House Lane site represents an technically unconstrained opportunity to deliver this growth and deliver it

quickly without the constraints of major infrastructure improvements to facilitate it. Accordingly, we would contend that **Policy DS3 – The Spatial Strategy to 2041** requires some redrafting to ensure that the delivery of the homes presently identified for allocation through the Local Plan review should be much greater having full regard to the requirement to increase the contribution towards the unmet needs arising from GBBCHMA overspill and the need to eliminate the uncertainty of windfall reliance, particularly where it forms such a significant proportion of total supply.

An allocation would also be the most appropriate way of delivering additional affordable homes in the settlement. With the site having a potential capacity of up to 50 dwellings, with an allowance of 30% for affordable homes development, this would enable the site to secure the provision of 15 new, affordable homes boosting the Council’s overall affordable housing needs within the Plan period.

More generally we raise concerns with the spatial strategy insofar as it places a significant reliance on major (new) allocations coming through in the Tier 1 villages of Penkridge (1,109 homes) and Codsall/Bilbrook (581) and Cheslyn Hay (154). In total, these settlements account for over 60% of the total housing supply and over 95% of the new housing allocations. Any delays in the delivery of these sites will inevitably have significant impacts on the ability for the council to maintain a 5 year supply of housing land.

As such, it is considered that this is another compelling reason for the spatial strategy to look to the lower tier settlements for further housing growth through allocation.

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### **Site Assessment**

As stated, Wheaton Aston sits within Tier 3 of the settlement hierarchy along with six other settlements. Settlements within the tier are identified as generally having facilities, typically with a food store and educational facilities along with access to services and facilities outside the village via public transport. The latest Rural facilities and services audit 2021 indicates that

Wheaton Aston has 2no. pubs; 2no. convenience shops, a village hall; a pharmacy , a nursery , a GP surgery, a church and a first school. In addition, it has numerous bus services providing access to supermarkets.

Chapter 2 of the Housing Site Selection Topic Paper 2024 has regard to identifying and narrowing down sites for consideration as potential housing sites and refers to the various ‘call for sites’ consultations over the years and acknowledges that the Council’s Strategic Housing & Economic Land Availability Assessment (SHELAA) is used to identify a shortlist of sites. In order to do so, the SHELAA uses a series of classifications to categorise sites which are provided in a table in para.2.2 as follows:

<b>S1</b>	Sites currently suitable for housing and deliverable within 5 years
<b>S2</b>	Sites currently suitable for housing and developable between 5 and 10 years
<b>S3</b>	Sites currently suitable for housing and developable 10+ years
<b>NCD1</b>	Sites potentially suitable for housing but not currently developable because of a policy designation (eg Green Belt/Open Countryside/Employment Land/outside current Spatial Strategy/Safeguarded Land Policy)
<b>NCD2</b>	Sites potentially suitable for housing but not currently developable because of other constraints
<b>NS</b>	Sites which are unsuitable because of constraints which cannot be overcome.

The Fenton House Lane site had previously been proposed as a housing site in an earlier ‘call for sites’ exercise and the SHELAA identifies the land as being within Locality 2, along with settlements such as Brewood, Coven and Wheaton Aston, along with other more isolated sites and sites adjacent to other settlements.

The site itself is identified in the SHELAA as ‘Site 619 , Land off Fenton House Lane 2’. As stated, this is the eastern portion of the site only. The western portion has not been assessed under the SHLAA but it is entirely reasonable to conclude the assessment of 619 applies equally to this other half of the site.

The site is stated as being within the Open Countryside (Not Green Belt) but immediately adjacent to the settlement boundary. The land is shown as not being deliverable 2018- 2023, nor

developable 2023-2033. Nevertheless, the site is not shown to have any key constraints to development and it would appear that the Council has arrived at its conclusions on deliverability based solely on the site’s location within the Open countryside - *‘potentially suitable but subject to policy constraints – Open countryside.*

The Housing Site Selection Topic Paper 2024 finds no show stopping constraints, recognising that there is moderate to high landscape sensitivity but that is no different to the majority of land in this broad location. Ultimately, the site fails to secure an allocation because Wheaton Aston as a Tier 3 settlement has not been identified (in this revised version of the plan) for any housing growth beyond the existing commitments and allocations.

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## **Development Principles**

In support of these representations, some initial development proposals have been prepared to show how the Fenton House Lane site could be developed if it were to be allocated for housing in the Local Plan Review. At this stage, the proposals are understandably only at the concept stage an illustrative ‘parameters’ plan, has been prepared which is appended to these representations:

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In addition, to support these representations, some initial high level transport work has been undertaken. This assessment has considered topography, vehicle speeds on Fenton House Lane, Traffic impact from a new development, visibility splays, access geometry and non motorized accessibility. In respect of all matters, the assessment concludes that subject to appropriate designs, there are no constraints that would prevent this site functioning safely and efficiently for a residential development of circa 50 homes.

## **Conclusions**

It is acknowledged that Wheaton Aston is one of seven Tier 3 settlements within the District's Settlement Hierarchy and, in line with the Council's current spatial strategy will not receive any new housing allocations under the Local Plan Review. However, as has been demonstrated in these representations, there is significant unmet need within the GBBCHMA which this plan needs to make a much greater contribution towards addressing as it is to pass the tests of soundness. By consequence, the plan needs to make provision for further housing allocations.

At present, the Tier 3 settlements play no meaningful strategic role in meeting future housing needs. We contend that the provision of homes within these settlements should be part of this plan's spatial strategy. The provision of windfall developments on the scale set out in the Spatial Strategy are unrealistic given the Green Belt nature of the district. The plan should be subject to main modifications to effect this change in strategy.

In this regard, land at Fenton House Lane in Wheaton Aston, (Site 619 plus the land to the immediate west), can assist the Council in delivering the greater number of homes required and should be allocated accordingly. Importantly doing so would not require the release of any land that is currently within the Green Belt. There are no substantive planning reasons why the Fenton House Lane site could not come forward in whole for housing development. We assert that the settlement boundary for Wheaton Aston should be redrawn accordingly, and an allocation made on site 619 and the immediate parcel to the west for housing development as part of a modification to the plan.

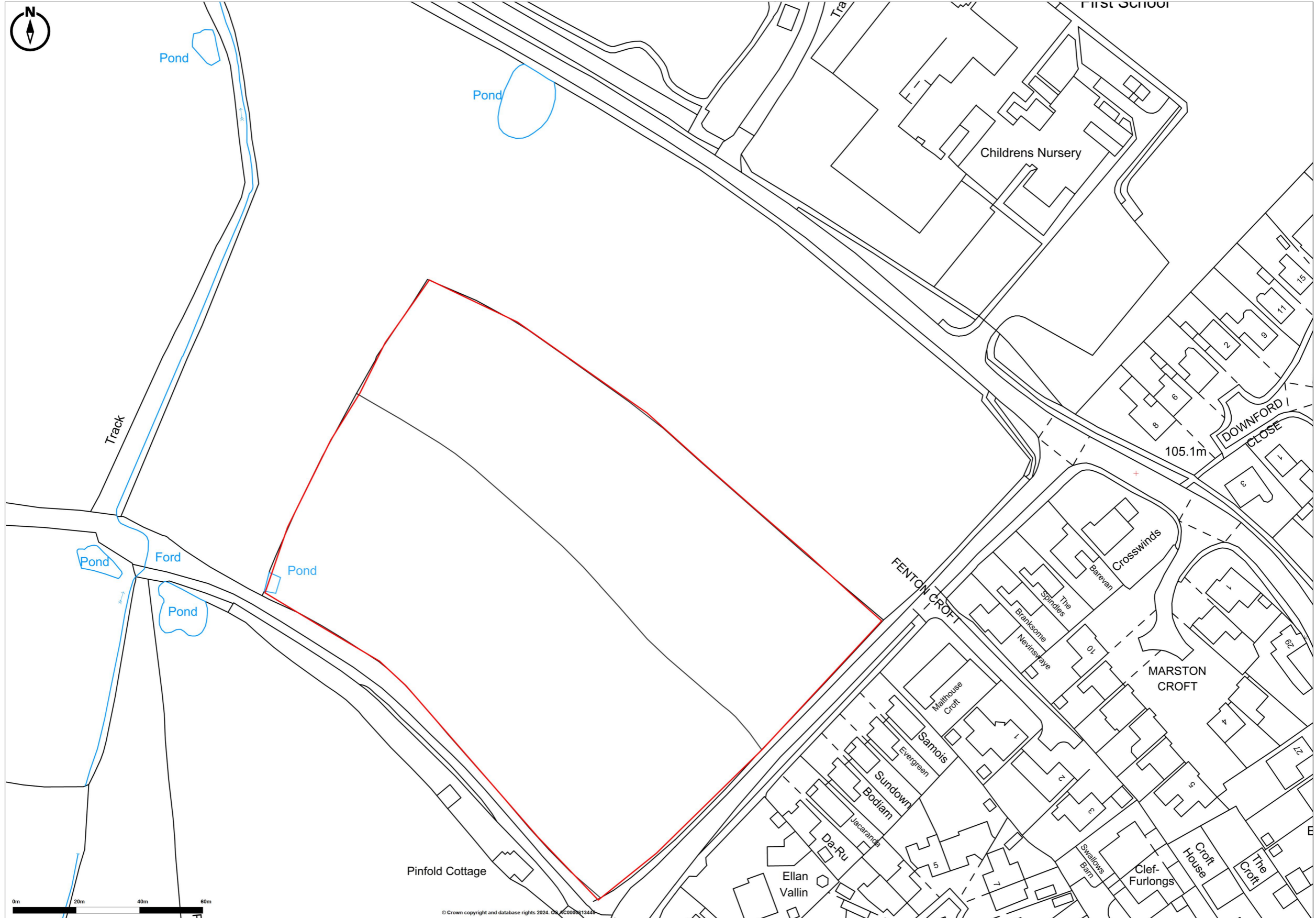
Yours faithfully,

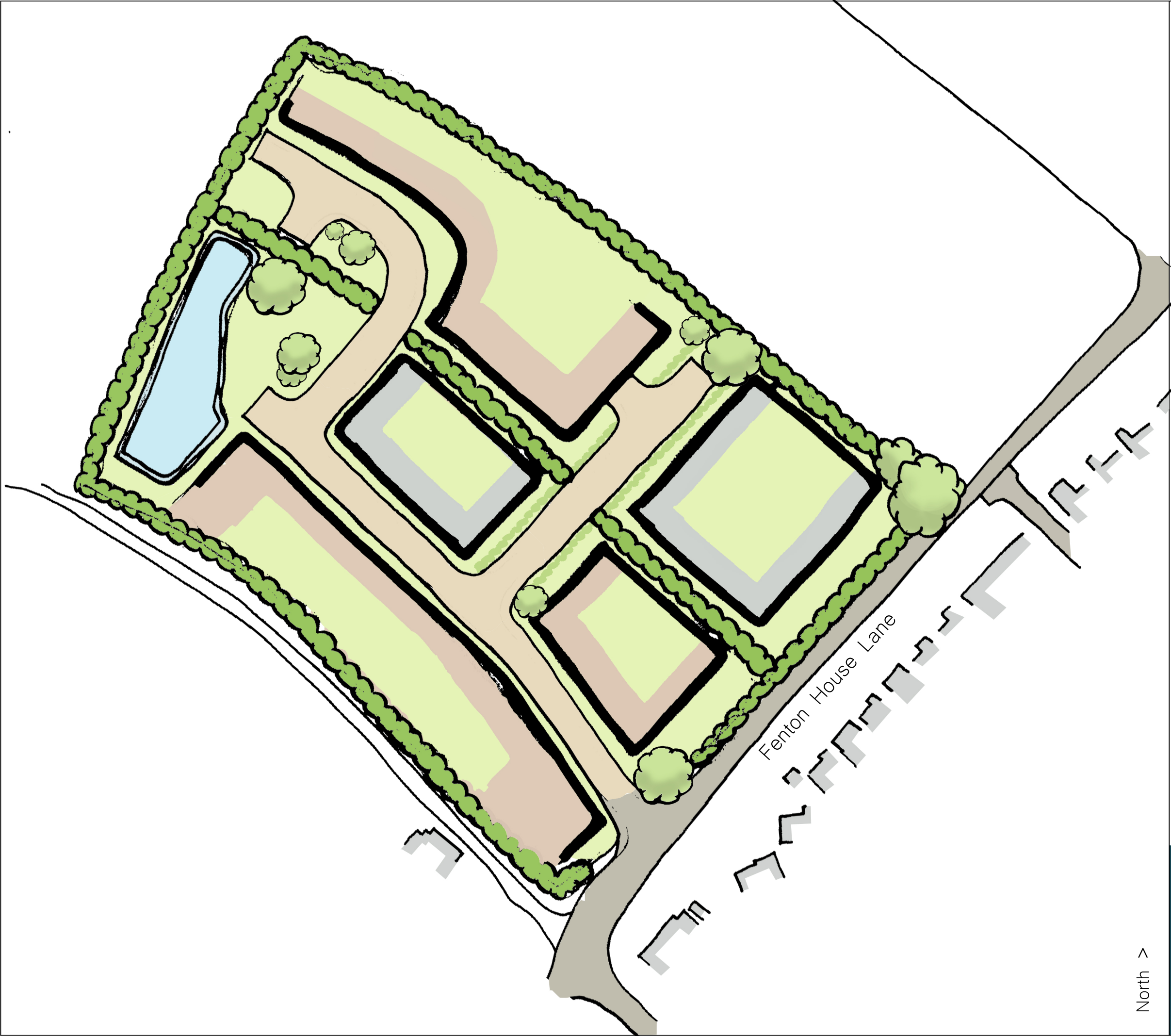
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Fenton House Lane  
Wheaton Aston  
Concept Plan  
A3 : Scale N/A

May 2024

Hampton Oak Developments

North >

