

Local Plans  
South Staffordshire Council  
Wolverhampton Road  
Codsall  
South Staffordshire  
WV8 1PX

Via eMail: [localplans@sstaffs.gov.uk](mailto:localplans@sstaffs.gov.uk)

**Date:** 13<sup>th</sup> December 2021  
**Client:** Bradford Estates  
**Our Ref:** SA42846

Dear Sir/Madam,

## **South Staffordshire Local Plan Review – Preferred Options Consultation**

We have been instructed by Bradford Estates to submit representations to the Preferred Options consultation of the Local Plan review.

These representations deal with matters of need, spatial strategy and the assessment of sites for allocation within the administrative area of South Staffordshire. These representations are in addition to those submitted on behalf of Bradford Estates by Savills, which deal with matters of need at a wider than local, strategic and cross boundary level and matters of cross boundary provision.

The objector and agent details are provided at Appendix 1 of this letter, and the representations are set out in Appendix 2.

Should you require any further information please don't hesitate to contact me.

Yours sincerely

*M. Lloyd*

**Mike Lloyd BA (Hons) DipTP MRTPI**  
**for and on behalf of Berrys**  
[mike.lloyd@berrys.uk.com](mailto:mike.lloyd@berrys.uk.com)  
**Mobile: 07469 857140**

## Appendix 1 - Objector and Agent Details

	<b>Objector</b>	<b>Agent</b>
<b>Organisation</b>	BRADFORD ESTATES	BERRYS
<b>Contact Name</b>	c/o Agent	Mr Michael Lloyd
<b>Address</b>	c/o Agent	Beech House Anchorage Avenue Shrewsbury Business Park Shrewsbury Shropshire SY2 6FG
<b>Tel. Phone</b>	c/o Agent	01743 290646
<b>Email</b>	c/o Agent	<a href="mailto:mike.lloyd@berrys.uk.com">mike.lloyd@berrys.uk.com</a>

## Appendix 2 – Representations

### Question 1:

**Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan? Yes/No**

**Please provide comments on the content or use of the evidence base set out in Appendix A, referencing the document you are referring to.**

NO

The documents listed in Appendix A include the Housing Site Selection Topic Paper which details that, to identify sites for allocation in the Local Plan, the Council has undertaken many 'Call for Sites' and that these sites are included, and categorised, within the Council's Strategic Housing & Economic Land Availability Assessment (SHELAA). The categorisation of sites in the 2021 SHELAA has been used to help identify a shortlist of sites for allocation in the Local Plan. However, whilst it is evident that the 2021 SHELAA is an important evidence base document it is not identified within Appendix A of the Preferred Options document.

As detailed within the Rural Services and Facilities Audit (2021) Blymhill, Brineton and Weston under Lizard are all identified as Tier 5 settlements based on access to services and facilities.

However, there are significant errors with the scoring of settlements in Appendix 4 of the Rural Services and Facilities Audit. For example:

- Weston-under-Lizard is identified as having no public transport access to employment, main centres, hospitals and supermarkets. However, the settlement is served by regular bus services (with travel times significantly less than 60 minutes) to surrounding local and regional centres including Cannock, Shifnal and Telford and the services and facilities these centres provide including supermarkets, hospitals and employment facilities (including those at Stafford Park 4, Telford); and
- Blymhill is identified as having a village hall, which acts as a community centre. However, the scoring fails to recognise the various uses of this hall including cinema, sport classes, events and pub. In addition, and significantly, the community have also recently opened a village shop within the hall. It is evident more residential development in the settlement, that would result in an increase in residents, would help to sustain and enhance these important community facilities.

In addition, no consideration has been given to the ability of settlements to accommodate growth when allocating settlements to tiers of the settlement hierarchy. This is considered to be a significant omission given that large areas of South Staffordshire are covered by Green Belt where the National Planning Policy Framework (NPPF) identifies that release of land from the Green Belt should only be proposed in exceptional circumstances.

The categorisation of settlements, such as Brineton, Blymhill and Weston-under-Lizard, should therefore be based on an accurate assessment of their access to

services and facilities, their ability to accommodate growth and a recognition that directing growth to settlements such as these will support and enhance the provision of services and facilities in the settlements and decrease demand for the release of Green Belt land for development.

## **Question 2:**

**(a) Do you agree that the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP? Yes/No**

**(b) Is there any other infrastructure not covered in this consultation document or the IDP that the Local Plan should seek to deliver? Yes/No**

NO COMMENT

## **Question 3:**

**a) Have the correct vision and strategic objectives been identified? Yes/No**

**b) Do you agree that the draft policies (Chapters 4 and 5) and the policy directions (Chapter 6) will deliver these objectives? Yes/No**

a) YES – the vision and objectives seek to enable development that will meet the area’s needs whilst also protecting and enhancing the area’s most important assets (including its rural character, communities and landscape).

In particular, the Plan’s objectives to provide housing to meet the needs of different groups in the community, including the elderly (strategic objective 4) and to protect and enhance sustainable village centres (strategic objective 8) are supported.

b) NO – Please refer to the following representations submitted on draft policies (Chapters 4 and 5) and policy directions (Chapter 6).

## **Question 4:**

**Do you support the policy approach in Policy DS1 – Green Belt and Policy DS2 – Open Countryside? Yes/No**

**If no, please explain how these policies should be amended?**

NO

The preamble (in paragraph 4.5) to Policy DS2 recognises that areas of the open countryside in the north-west of the district are not within Green Belt and are not, therefore, afforded the same level of national protection as areas of Green Belt. However, policy DS2 seeks to afford the same level of protection to those areas of the open countryside as those within the Green Belt.

Such a level of protection is considered to be wholly inappropriate and in conflict with national policy as this level of protection would inhibit the ability of rural areas, outside of the Green Belt, to deliver a sufficient supply of rural housing and support the rural economy.

Policy DS2 should therefore be amended to recognise that additional opportunities for sustainable development exist in areas of the open countryside outside of the Green Belt, including developments for renewable energy, tourism, local business, community needs and rural housing.

Such a change would ensure that the Plan accords with national planning policy by providing appropriate support for the rural economy and rural communities (including tier 4 and 5 settlements) in areas outside of the Green Belt but within open countryside.

In addition, the proposed amendment would ensure that areas of open countryside, outside of the Green Belt, can make a greater contribution towards meeting the sustainable development needs of the District. This is particularly important given the large extent of the District covered by Green Belt, the limited supply of brownfield sites (paragraph 4.3 of the consultation document refers) and the national requirement for 10% of housing growth to be delivered on sites of less than 1 hectare.

## **Question 5:**

**Do you support the policy approach in Policy DS3 – The Spatial Strategy to 2038? Yes/No**

**If no, please explain how this policy should be amended?**

NO

The consultation document details that the Plan's proposed housing target is made up of South Staffordshire's housing need (based on the government's standard method), completions in the district since the start of the Plan period and additional housing to contribute towards the unmet needs of the Greater Birmingham Housing Market Area.

Whilst this approach is supported, we are aware that the Association of Black Country Authorities (ABCA) wrote to Shropshire Council on the 24 February 2021 (in response to Shropshire Council's Regulation 19 consultation), to highlight that there will continue to be a shortfall of land to meet the Black Country's housing needs even in the light of Shropshire's proposed contribution in its Regulation 19 Plan and the proposed contributions in other emerging neighbouring Local Plans, including South Staffordshire, Lichfield and Cannock. ABCA anticipate that these contributions could accommodate in the region of up to 10,500-12,500 homes and, in the best-case scenario, would leave the Black Country with a significant shortfall.

Whilst further contributions may come forward – including from Telford & Wrekin, Solihull and Bromsgrove the letter from ABCA to Shropshire Council indicates that the contribution provided in South Staffordshire may need to rise if the needs in the wider housing market area are to be met. It therefore provides additional justification for the release of land in South Staffordshire to meet the needs of the Black Country.

In addition, and significantly, the spatial strategy for housing provides a very low level of growth to Tier 4 and Tier 5 settlements (at 0.3% and 2.6% of the total level of housing respectively).

Such a level of growth in Tier 4 and 5 settlements is considered to be inappropriate as it fails to recognise the sustainability of these settlements, their ability to accommodate growth or the need for growth in these settlements to meet the Plan's objectives of providing housing to meet the needs of different groups in the community or to protect and enhance sustainable village centres.

As highlighted in paragraph 4.3 of the Plan, there is a finite and diminishing supply of brownfield land and windfall sites within settlements. Therefore, failing to plan positively for growth in Tier 4 and Tier 5 settlements will result the need for housing arising from the local community being unmet and a failure to support and enhance community facilities and services in these settlements.

Paragraph 4.16 of the consultation document indicates that current monitoring information suggests that housing allocations are not required in Tier 4 (or presumably Tier 5) settlements to meet the national requirement for 10% of housing growth to be delivered on sites of less than 1 hectare. Whilst there is some uncertainty over whether the requirement for 10% of housing growth to be delivered on sites of less than 1 hectare is likely to be met, it is significant that paragraph 69 of the NPPF states that *“local planning authorities should:*

- a) *identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved”*

It is clear, therefore, that the 10% requirement is a minimum requirement and for the Plan to be considered sound it must plan positively the provision of housing sites of less than one hectare through the allocation of land.

## **Question 6:**

**Do you support the policy approach in and Policy DS4 – Longer Term Growth Aspirations for a New Settlement? Yes/No**

**If no, please explain how this policy should be amended?**

NO COMMENT

## Question 7:

a) Do you support the proposed strategic housing allocations in policies SA1-SA4? Yes/No

If no, please explain your reasons for this.

b) Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code? Yes/No

NO

The Plan places a significant reliance (min 4448 homes by the end of the Plan period) on the delivery of four strategic sites as follows:

- SA1 Land east of Bilbrook (min 848 homes) site ref. 519
- SA2 Land at Cross Green (min 1200 homes) site ref. 646a and 646b
- SA3 Land north of Linthouse Lane (min 1200 homes) site ref. 486c; and
- SA4 Land north of Penkrige (min 1200 homes) site ref. 010, 420 and 584

Such a reliance brings into question the deliverability of the Plan should any one of these sites fail to deliver homes at the rate envisaged. Issues such as the delivery of infrastructure to serve these sites is fundamental in determining the rate at which these sites will deliver homes. However, such issues are identified for further consideration as part of the preparation of Supplementary Planning Documents (SPDs) to be adopted in the early years of the plan period. Without the detailed assessment to be provided in these SPDs, there is considerable uncertainty over whether the four strategic sites will deliver homes at the rate required and therefore whether the Plan will be effective.

In addition, it is noted that three of the four sites require the release of land from the Green Belt, namely

- SA1 Land east of Bilbrook (min 848 homes)
- SA2 Land at Cross Green (min 1200 homes)
- SA3 Land north of Linthouse Lane (min 1200 homes); and

The Housing Topic Paper details that the release of green belt land in these locations will result in:

- SA1: SA findings Major negative effects are predicted against the landscape criteria, due to the site's Green Belt harm.
- SA2: SA findings Major negative effects are predicted against the landscape criteria, due to the sites Green Belt harm.
- SA3: SA findings Major negative effects are predicted against the landscape criteria, due to the sites Green Belt harm.

The Green Belt Study (2019) provides further detail in table 7.1 that development of:

SA1: Site 519 will result in a 'high' level of harm to the Green Belt;

SA2: Site 646a will result in a 'high' level of harm to the Green Belt;

SA2: Site 646b will result in 'high' or 'very high' levels of harm to the Green Belt; and

SA3: Site 486c will result in a 'high' level of harm to the Green Belt.

The release of these sites will therefore result in a weakening of the Green Belt, for example by leaving a narrow gap between towns or increasing its containment by urban areas (as detailed in paragraph 6.23 of the Green Belt Study).

In order to ensure that the Plan is consistent with national policy requirements, less reliance should be placed on the delivery of housing on large scale strategic sites (S1 – S4) with a greater level of growth, and allocations, directed to lower tier (tier 4 and 5) settlements in need of growth where allocations would maintain and enhance the vitality of these communities but not give rise to the ‘high’ or ‘very high’ levels of harm to the Green Belt associated with the larger scale (S1-S3) housing sites.

Such a change will ensure that the Plan:

- plans positively for the provision of housing sites of less than one hectare through the allocation of land (in accordance with paragraph 69 of the NPPF);
- is effective in delivering the housing requirement over the Plan period (in accordance with paragraph 23 of the NPPF)
- meets housing needs of lower tier (i.e. tier 4 and 5) settlements (in accordance with paragraph 78 of the NPPF);
- maintains and enhances the vitality of rural communities and their local services (in accordance with paragraph 79 of the NPPF);
- can justify the release of land from the Green Belt having examined fully all other reasonable options for meeting its identified need for development (in accordance with paragraph 141 of the NPPF).

## **Question 8:**

**Do you support the proposed housing allocations in Policy SA5? Yes/No**

**Please reference the site reference number (e.g site 582) for the site you are commenting on in your response.**

NO

It is noted that, as detailed in the Green Belt Study (2019) (table 7.1) a number of sites are proposed for allocation (including site references 224 Codsall, 523 Cheslyn Hay, 536a Great Wyrley, 591 Huntington and 582 West of Wolverhampton) that would result in ‘moderate-high’, ‘high’ or ‘very high’ levels of harm to the Green Belt.

The release of these sites will therefore result in a weakening of the Green Belt, for example by leaving a narrow gap between towns, increasing its containment by urban areas or by isolating an area of Green Belt that makes a stronger contribution (as detailed in paragraph 6.23 of the Green Belt Study).

Given the above, it is considered that growth proposed on allocations that would result significant levels of harm (moderate-high and above) to the Green Belt,



should be directed to sites where a lesser degree of harm would arise and where the level of growth would ensure that the Plan:

- plans positively for the provision of housing sites of less than one hectare through the allocation of land (in accordance with paragraph 69 of the NPPF);
- meets housing needs of lower tier (tier 4 and 5) settlements (in accordance with paragraph 78 of the NPPF);
- maintains and enhances the vitality of rural communities and their local services (in accordance with paragraph 79 of the NPPF); and
- can justify the release of land from the Green Belt having examined fully all other reasonable options for meeting its identified need for development (in accordance with paragraph 141 of the NPPF).

### **Question 9:**

**A) Do you support the proposed pitch allocations in Policy SA6? Yes/No**

**Please reference the site reference number (e.g SS001) for the site you are commenting on in your response.**

**B) Is there another option for meeting our gypsy and traveller needs, including any alternative site suggestions that could be considered? Yes/No**

**Please provide details, including a plan for new site suggestions**

NO COMMENT

### **Question 10:**

**Do you support the proposed allocation in Policy SA7? Yes/No**

NO COMMENT

## Question 11:

**Do you agree with the proposed policy approaches set out in Chapter 6?**

**Yes/No**

**If no, then please provide details setting out what changes are needed, referencing the Policy Reference number (e.g HC1 - Housing Mix).**

NO

- **Policy Reference HC6: Rural Exception Sites**

This policy approach seeks to restrict housing development on 'rural exception sites' to affordable housing on sites adjacent to villages in Tier 1-4 of the settlement hierarchy, with open market housing on rural exception sites limited to that which is necessary to support the viability of an affordable housing scheme.

The proposed policy therefore fails to meet the need for both affordable and open market housing arising in tier 5 settlements and consequently fails to maintain and enhancing the vitality of communities and services in these settlements (in conflict with paragraph 79 of the NPPF) and runs counter to the Government's key objective of, "significantly boosting the supply of homes" expressed in paragraph 59 of the Framework and in more recent Ministerial Statements. It makes the Local Plan's job of delivering the housing development that South Staffordshire needs more difficult than it needs to be.

In addition, the current pandemic has highlighted the benefits of rural living and we anticipate greater demand for homes and businesses to locate in the countryside in the future.

For the reasons set out above, the Plan fails the 'positively prepared', 'justified', 'effective' and 'consistent with National Policy' tests of soundness.

The policy approach should therefore be amended to enable the provision of small-scale open market housing development on sites within, or adjacent and well related to, the built form of tier 5 settlements.

- **Policy Reference EC4: Rural Employment and Tourism**

The proposed direction of travel for this policy is to retain the existing policy approach. However, the existing policy approach seeks to restrict rural employment and tourism development outside of development boundaries to the reuse of existing buildings. Such an approach fails to recognise that many rural employment and tourism developments are more appropriately located outside of development boundaries due to the nature of those development and/or their amenity impacts. This is recognised in paragraph 85 of the NPPF, which states that "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport".

Such an approach would also fail to meet the need for employment and tourism development in settlements that do not benefit from development boundaries (e.g. Tier 5 settlements) and consequently fails to maintain and enhancing the vitality of communities and services in these settlements (in conflict with paragraph 79 of the NPPF).

In addition, as previously stated, the current pandemic has highlighted the benefits of rural living and we anticipate greater demand for homes and businesses to locate in the countryside in the future.

For the reasons set out above, the Plan fails the 'positively prepared', 'justified', 'effective' and 'consistent with National Policy' tests of soundness.

The policy approach should therefore be amended to enable the provision of rural employment and tourism development in rural areas, including within, or adjacent to, tier 5 settlements.

- Policy Omissions

We would also contend that there are two significant areas that would benefit from the identification of a policy approach, as follows:

- Rural Building Conversions Policy

Many rural buildings are no longer required for agricultural purposes due to the significant changes that have, and continue to be, experienced in the agricultural sector. It is therefore important to find viable alternative uses for rural buildings due to the contribution they make to the character and appearance of the rural area of the district and the embedded energy they represent.

There is reference in policy EC4 (Rural Employment and Tourism) to opportunities relating to the re-use of existing buildings for employment and tourism uses.

In addition, the “issues and challenges in South Staffordshire that should be addressed by the new Local Plan” identified in Table 3 of the consultation document includes the need to adopt a flexible approach to conversions, to deliver “decent homes of a high-quality design that reflect and maintain the local distinctiveness, character and quality of the countryside and villages”. However, despite this, there is no acknowledgement in the consultation document that the Plan will enable the conversion of rural buildings to dwellings.

Given the significant permitted development rights that enable the conversion of buildings in the open countryside to not only business re-use but also to residential re-use, and the importance of adopting a flexible approach to residential conversions in the Plan, it is contended that the Plan’s policies should enable the conversion of rural buildings to dwellings. Such an approach will contribute to ensuring that the vitality of rural communities and their local services are appropriately maintained and enhanced (in accordance with paragraph 79 of the NPPF).

## - Whole Estate Plans

South Staffordshire district adjoins the Shropshire Local Planning Authority area and the rural area of the district shares many of the characteristics of the rural area of Shropshire, including that it contains a number of active rural estates who are engaged in the preparation of Whole Estate Plans.

Whole Estate Plans are non-statutory plans which express a long-term vision and objectives for the way an Estate manages and utilises its land and assets to ensure sustainable land management.

The emerging (Regulation 19) Shropshire Local Plan therefore includes a 'Whole Estate Plans' policy which acknowledges the important role these estates play in the general day to day management of land and premises, and recognises that there is a planning role for Whole Estate Plans in the decision making process.

It is therefore contended that a 'Whole Estates Plan' policy should be included within the South Staffordshire Local Plan and that this policy identifies the criteria that would need to be complied with in order for the Council to 'endorse' a Whole Estate Plan as a material consideration in the determination of relevant planning decisions.

### **Question 12:**

- a) It is proposed that the fully drafted policies in this document (Policies DS1-DS4 and SA1-SA7) are all strategic policies required by paragraph 21 of the NPPF. Do you agree these are strategic policies? Yes/No**

No

Paragraph 21 of the NPPF states that strategic policies should be limited to "those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies".

It is considered that policies SA1 – SA7 all provide a level of detail than that is more appropriately dealt with through non-strategic policies.

- b) Are there any other proposed policies in Chapter 6 that you consider should be identified as strategic policies? Yes/No**

**If yes, then please provide details including the Policy Reference (e.g HC1 – Housing Mix)**

NO COMMENT