



Rutland
County Council



Adopted Interim Position Statement for Housing Development

January 2023



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1 Background

- 1.1 Rutland County Council's current adopted planning policies are set out in the following documents:
- The Core Strategy DPD (2011) sets out strategic planning policies, housing, and employment requirements, and how development should be distributed between towns, villages and the countryside;
 - The Site Allocations & Policies DPD (October 2014) allocates land for the development needs set out in the Core Strategy and sets detailed policies on a range of topics, used to inform decisions on planning applications;
 - Minerals Core Strategy and Development Control Policies DPD (2010).
- 1.2 Other documents that form part of the Rutland Development Plan include 'made' Neighbourhood Plans (Barrowden & Wakerley, Cottesmore, Edith Weston, Greetham, Langham and Uppingham) which contain locally specific policies for development within the designated Neighbourhood Plan areas. Neighbourhood Plans covering the parishes of Ketton & Tinwell, Market Overton, North Luffenham, Oakham & Barleythorpe and Whissendine are also under preparation. In addition, the made plans for Edith Weston, Langham and Uppingham are currently under review.
- 1.3 In September 2021, the Council committed to producing a new Local Plan. This, when adopted, will replace the documents set out in paragraph 1.1 above. The new Local Plan will provide for housing needs in accordance with paragraph 11 of the NPPF and ensure that the Council will identify deliverable sites sufficient to provide a minimum of five years' worth of housing in accordance with paragraph 73 of the NPPF.
- 1.4 The Council's housing supply position is being kept under regular review. If the Council is able to demonstrate a five-year supply of housing as required in national policy then, in line with the NPPF, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. However,

if supply does fall below 5 years the provisions of this Interim Position Statement will be used in the determination of planning applications.

- 1.5 The NPPF sets out that this position may be different in parishes which have a made neighbourhood plan which allocates land for housing. In such cases, the Council will need to be able to demonstrate a three-year supply of housing, but this only applies if the neighbourhood plan was made within the past two years. At the time of preparing this Interim Position Statement no “made” neighbourhood plans in Rutland meet this requirement under the NPPF.
- 1.6 If the Council is unable to demonstrate a five year housing supply, decisions on planning applications involving the provision of housing will be tilted in favour of sustainable development, in accordance with Paragraph 11 of the NPPF. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2 Approach to boosting housing supply

- 2.1 The Council is required to significantly boost its housing supply to achieve a 5-year supply as soon as possible.
- 2.2 This statement aims to provide interim guidance which will apply until the Council has adopted a new Local Plan for Rutland, although it may need to be updated as the preparation of the plan progresses. Additionally, if prior to that point the Council has established a 5-year supply and has also maintained a satisfactory position with respect to the Housing Delivery Test, then the need for this Interim Position Statement will be reviewed. Until the new Local Plan for Rutland is adopted, the Council must continue to judge planning applications on their own individual merits with reference to the adopted Development Plan and national planning policy including the NPPF.
- 2.3 The intention is for the Council to be able to guide development to appropriate and sustainable locations using this document to assist in the consideration of planning applications. It will help to ensure that housing proposals that may be submitted in advance of the new Local Plan are assessed in a consistent manner against national policy and guidance, with the aim of determining that the most appropriate development comes forward in the most suitable locations.
- 2.4 In this way, the Council intends to demonstrate that it is taking a proactive approach to reducing the shortfall and re-establishing a five-year supply.

3 Planning Policy Context

- 3.1 The National Planning Policy Framework (NPPF) (July 2021) is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking (paragraph 11) this means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 3.2 Consideration should be given to footnotes 6 and 7 of the NPPF, as well as other relevant paragraphs of the NPPF.
- 3.3 Footnote 8 also sets out the circumstances whereby planning policies are considered to be out of date:
“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three year.”
- 3.4 Planning law requires that applications for planning permission must be in accordance with the Development Plan unless material considerations indicate otherwise. In this context, the Development Plan comprises the documents set out in paragraphs 1.1 and 1.2 above.
- 3.5 Taking account of the NPPF, as of 1st September 2021, policies which are most important for determining applications proposing housing provision contained within the Development Plan are deemed to be ‘out of date’.
- 3.6 The documents referred to in paragraphs 1.1 and 1.2 above remain part of the Development Plan and will continue to provide the basis for the consideration of most planning applications for development within Rutland. It is only policies which are most important for determining housing applications contained within the Development Plan which are deemed to be ‘out of date’. For these applications, planning permission should be granted unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 3.7 The Council has committed to producing a new Local Plan for Rutland. This plan is only at the early stage of plan preparation. In accordance with paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater weight that they may be given).

- 3.7 As preparation of the Local Plan continues, and in line with the criteria above, consideration will be given (at the time of the application) to the weight of the draft policies in the emerging Local Plan. Planning applications received in advance of the adoption of the Local Plan are expected to demonstrate how they will not undermine the plan-making process in accordance with paragraph 49 of the NPPF.

4 Local Context

- 4.1 The approach put forward in this document is based on identifying relevant criteria with specific reference to the NPPF and national planning guidance. It is by no means the case that all applications will be appropriate, and on this basis, this Interim Position Statement has been prepared to facilitate delivery of housing sites by giving guidance, based on the NPPF, as to which sites may be appropriate for development in the short-term interim period pending the development of a new Local Plan for Rutland.

Deliverable

- 4.2 Given that the Council is concerned about the potential shortfall in housing supply, sites put forward under this approach should demonstrate that they are “deliverable” at the time that the site is put forward for planning permission. They should not be, for example, dependent upon delivery of significant enabling off-site infrastructure which would prevent them from delivering completed dwellings within 5 years; in addition, all land required to deliver the proposed housing should be fully in the applicant’s control.
- 4.3 Applicants will also be expected to show that they intend to develop sites promptly so that proposals will begin to be delivered within a short period.

Demonstration of deliverability and the intention to develop (for example, through the requirement to submit a phasing plan) will be required to support planning applications.

- 4.4 In the first instance, the Council would encourage applications for full planning permission to be made, rather than outline consent. Where necessary, the Council would encourage the submission of hybrid applications for larger sites (part full and part outline). Planning applications for outline permission can be made, however the Council would expect a parameter plan to be submitted as part of the outline application, and that an indicative layout is provided to judge the potential housing mix and layout.

Time restricted conditions

- 4.5 The Council will seek to condition any planning permission to commence within 2 years from date of grant of planning permission to maximise the likelihood of delivery of housing within Rutland in the short term. Where outline permission is granted, the Council will take a similar approach in reducing the implementation period to ensure expedient delivery of sites.

Locational Sustainability

- 4.6 Sites should be sustainably located in relation to existing settlements, with access to the facilities and services that are generally likely to be required by new residents. Current adopted planning policies within the Core Strategy DPD and the Site Allocations and Policies DPD set out the settlement hierarchy which will inform consideration of any proposed site.
- 4.7 Sites should be of a scale and density appropriate to the settlement in which they are proposed, taking account of the settlement hierarchy set out within the Development Plan and any other more up to date evidence on services and facilities within settlements. The scale of development in the two main towns of Oakham and Uppingham is likely to be greater than elsewhere taking account of the potential impact on the character of the settlement. The Council may support higher density development in settlements with greater facilities and accessibility.
- 4.8 In Rutland's villages, smaller scale sites, which provide for the gradual growth of settlements, are more likely to be suitable than sites that would significantly change the character of a place. Developments adjoining smaller service centres and restraint villages which are less locationally sustainable will be expected to be smaller in scale than those that might be suitable for the extension of Oakham, Uppingham or potentially identified Local Service Centres.

- 4.9 The current adopted local planning policies in the development plan use 'Planned Limits to Development' (PLD) to positively focus growth on the most sustainable settlements, reduce the need to travel, and protect the intrinsic character and beauty of the countryside. If the Council is unable to demonstrate a five-year supply of deliverable housing sites and pending the adoption of a new Local Plan, it is acknowledged that the planning boundaries may need to be extended to help meet local housing needs in Rutland.
- 4.10 This Interim Position Statement applies to planning applications for the provision of housing on sites located within or adjacent to the PLD (as defined on the Local Plan Policies Map). There may also be sites that are well-related to the settlement but not immediately adjoining the PLD which in exceptional circumstances could be considered suitable sustainable locations for consideration within the Interim Position Statement.

Relevant evidence

- 4.11 This Interim Statement does not set out in full the range of relevant national and local planning policy and practice which will be applied when considering planning applications for residential development. It has been prepared to provide further guidance for applicants but should be read alongside other relevant national and local policy.
- 4.12 Applicants are also directed to evidence base studies available on the Council's planning policy webpages that may be used to inform, steer and help determine proposals.

Local engagement

- 4.13 The Council would encourage applicants to undertake early and meaningful engagement with the local community and relevant stakeholders regarding their proposals for development. In particular, the County Council would encourage early and direct engagement with relevant Town and Parish Councils at an early stage prior to submission.

5. Purpose of the Document

- 5.1 The Interim Position Statement's purpose is to facilitate the delivery of new housing by providing a clear and consistent approach to the assessment of, and decision making on, development proposals on such sites over the period from the adoption of this statement by Cabinet until the adoption of the new Local Plan. It seeks to ensure that new homes are delivered in the right places, and at an appropriate scale, to help meet the needs of Rutland in the short term.

- 5.2 The Statement identifies the factors that are considered critical to achieving 'sustainable development' in relation to the provision of housing outside of the PLD. It has been prepared within the context set by the vision and objectives of the current development plan system for Rutland, in particular the need to actively manage patterns of growth to make the fullest possible use of walking, cycling and public transport.
- 5.3 The Statement does not form part of the development plan. The Statement is not a Supplementary Planning Document. Nor does it set out the full range of relevant national or local planning policy and practice that may be applied by decision-makers when considering applications for the provision of housing. It has been prepared to provide clarity and guidance for applicants, local communities, and the Council as decision maker, and should be read alongside the relevant development plan policies for the area. However, the Interim Position Statement will be used as a material consideration in the determination of planning applications by assisting in the balanced judgement for decision makers assessing whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6 Interim Position Statement: considerations for applicants and decision makers

- 6.1 **The Council recognises the presumption in favour of sustainable development as set out in the National Planning Policy Framework and its application where the Council is unable to demonstrate a five-year housing land supply. While the presumption applies, the Council will seek to ensure that planning applications for good quality housing developments of an appropriate scale and in accessible and sustainable locations are supported.**
- 6.2 **To provide clarity for applicants and other parties, the following criteria set out what the Council considers good quality development in sustainable locations within Rutland, with reference to the National Planning Policy Framework, national planning policy guidance and, where appropriate, the current Development Plan.**
- 1 Sites should lie within the PLD or site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan must adjoin the PLD or be well-related to the settlement.**
 - 2 The scale of development for sites within or adjoining the PLD, or exceptionally well-related to the settlement, should be appropriate to the size, character, and role of the settlement in which they are proposed,**

having regard to the settlement hierarchy. In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions or development plan allocations in the relevant settlement.

- 3** Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character. The impact of development on the edge of settlements, individually or cumulatively should not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of proportionate evidence. Where a proposed development is environmentally significant (by virtue of its size, location or degree of prominence in the locality), development proposals must be accompanied by a Landscape and Visual Impact Assessment.
- 4** Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages. Proposals should not have a severe impact on the highway network and should provide for safe and convenient pedestrian and cycle access to key community facilities and services within the settlement or nearby settlement.
- 5** Where appropriate, proposals should be accompanied by an ecological impact assessment and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and to encourage at least a 10% biodiversity net gain. Proposals should protect and enhance sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the Development Plan).
- 6** The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable. This may also apply to single dwellings on the edge of settlements.
- 7** It should be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure, biodiversity net gain and other requirements. Proposals should not be dependent upon delivery of significant enabling off-site infrastructure which would prevent them from delivering completed dwellings within 5

years. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.

- 8 Affordable housing should be provided in line with Council policies and national guidance. It may not always be feasible to provide a mix of housing types, particularly on smaller sites but larger sites (of 10 or more dwellings) will be expected to include a range housing types, sizes and tenures to ensure that the needs of all sectors of the community are met, including newly forming households, young couples and expanding households, as well as more specialist needs such as the elderly, learning disability and care leavers and those with physical disabilities. Housing provision should take account of the 2019 Strategic Housing Market Assessment which sets out a broad mix of market and affordable dwellings as follows:

	Broad mix within market housing	Broad mix within affordable housing (ownership)	Broad mix within affordable housing (rented)
1 bed	0-5%	15-20%	40-45%
2 bed	25-30%	35-40%	25-30%
3 bed	45-50%	35-40%	25-30%
4+ bed	20-25%	5-10%	5-10%

Source: [SHMA 2019](#)

- 9 Development proposals shall not compromise on environmental quality. Developers will be encouraged to demonstrate high standards of sustainable construction to address carbon reduction and climate change. It is essential that environmental quality includes an assessment of water resource availability in the area and ensures good water quality is achieved. It should have regard to the Water Framework Directive which aims to protect and enhance the quality of surface, freshwater, groundwater, estuaries, and coastal water; development proposals should ensure there is no deterioration in water bodies as a result of development
- 10 Development proposals shall be of high-quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Heritage Impact Assessment or a Design and Access Statement . In particular, development proposals should take account of the Rutland Design Guide SPD, in line with paragraphs 126-136 of the

NPPF. Developers should also take note of Design Guides where they have been approved as part of the Neighbourhood Planning process.

- 11 Development is to be located in areas at lowest risk of flooding first, and must be located, designed, and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the Council to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of Sustainable Urban Drainage systems (SUDs) designs and ongoing maintenance) and evidence that development would not constrain the effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes should be informed by the most recent climate change allowances published by the Environment Agency. Site assessments and proposals should be in accordance with the updated Planning Practice Guidance on 'Flood Risk and Coastal Change' which was updated on 25 August 2022. This includes a new section on reducing the causes and impacts of flooding, through the use of natural flood management techniques wherever they would be effective. Built development can lead to increased surface water run-off; therefore, new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles. It is important that SUDs are considered at an early stage in designing proposals for new housing.**

Exceptions to the Interim Position Statement

- 6.3 This Interim Position Statement does not apply to planning applications for rural exception sites, accommodation for agricultural and other rural workers, the conversion of redundant rural buildings to residential use, or the replacement of existing dwellings in the countryside. Such applications will continue to be determined in accordance with the NPPF and local adopted planning policies.**

A large print version of this document is available on request



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