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Planning Policy Manager,  
Rutland County Council,  
Council Offices,  
Catmose,  
Oakham,  
Rutland  
LE15 6HP

03 November 2023

Dear Mr R Ranson,

I write on behalf of the Owners of the Welland Vale Garden Centre ('the Site') who wish to make representations on the Draft Neighbourhood Plan under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended) and the Localism Act 2011.

These representations are in relation to whether the Plan meets the Basic Conditions of the Regulations and also the effect that the Plan as drafted will have on the Site.

While the Owners are generally supportive of a Neighbourhood Plan which plans positively for the development of the Town of Uppingham, they have some concerns.

These representations set out where the Plan fails to meet the Basic Conditions and where the Plan fails to comply with relevant planning guidance. Suggested amendments are provided which the Owners consider will achieve compliance with the Basic Conditions.

### **Basic Conditions**

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as amended by Section 38A of the Planning Compulsory Purchase Act 2004 sets out the basic conditions that a draft neighbourhood plan must meet for a refute sum or being made.

The relevant basic conditions for a Neighbourhood Plan are as follows:

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- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan.
- b) d. the making of the plan contributes to the achievement of sustainable development.
- c) e. the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- d) f. the making of the plan does not breach, and is otherwise compatible with, EU obligations.
- e) g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the plan.

As drafted, the Neighbourhood Plan is not considered to meet the Basic Conditions.

#### **Policy BE4: The Welland Vale Business Zone**

Policy BE4 seeks to support the development of the Welland Vale Business Centre, however, the criteria with which support will be given is far too limiting and likely to stifle development of the site.

While support will be given to commercial and business development, this wording is too restrictive and not considered to be positive planning as prescribed by the relevant guidance. Leisure and tourism use would also be considered appropriate in this location. The NPPF at paragraph 85 requires planning policies to recognise that sites beyond existing settlements can be acceptable and that the use of previously developed land such as this should be encouraged.

Criteria (a) seeks to restrict the footprint of the Garden Centre/related uses into the open countryside. While there is no desire to extend the use outside of the site and into open countryside, the reference to Garden Centre conflicts with the support for other development suggesting that this use must be retained. The protection of a Garden Centre use would not be appropriate. This is not a positive approach to plan making as required by Planning Practice Guidance.

Similarly, criteria (c) limiting activity to those which create no noise, smells or pollution is overly restrictive. While the Owners would not wish to develop the site to cause a nuisance, to indicate that no noise, smells or pollution is too generalised and restrictive. Any development proposals will need to be assessed and ensure that significant harm is not caused to neighbouring occupiers, and it is not appropriate to preclude all such activity



especially as these matters can be mitigated. The criteria are considered to inhibit the very purpose of the policy which is to support new development. This is not positive planning, restricts the future of the site and fails to meet the relevant guidance.

In order to comply with the Basic Conditions, the Owners suggest the following amended policy:

*“Proposals for commercial, business, leisure and tourism development will be supported provided that:*

- (a) The footprint of the use is not extended into the open countryside;*
- (b) Access and parking arrangements satisfy the requirements of the highway authority;*
- (c) The uses do not cause substantial harm to neighbouring residential amenity*
- (d) The design of any new or converted buildings is appropriate to a rural setting.”*

Such an amendment will bring the Policy in conformity with the NPPF, relevant guidance and thus meet the Basic Conditions.

#### **Policy BE6: Proposed tourism development**

Policy BE6 relating to tourism development is welcomed by the Owners and boosting visitors to the local area is important. However, as drafted the Policy does not conform to the NPPF and therefore fails the Basic Condition.

The final part of the policy restricts rural tourism development where it is located adjacent to, or closely related to, the town. The NPPF at paragraph 84 requires planning policies to support the rural economy including *“sustainable rural tourism and leisure developments which respect the character of the countryside.”* The NPPF in recognising that rural locations are in the countryside does not place a requirement on sites to be adjacent to existing settlements and the introduction of such a requirement is inconsistent with this core policy on the rural economy.

It is suggested that the Policy is amended to the following:

*“Sustainable rural tourism development of an appropriate scale and use which utilises the conversion of existing buildings and well-designed new buildings in the countryside will also be supported.”*

Such an amendment will bring the Policy in conformity with the NPPF, relevant guidance and thus meet the Basic Conditions.



## Conclusion

There is much to support in the Neighbourhood Plan, as drafted, and the provision of specific policy in relation to the Owners site could help support development opportunities. However, as drafted, the policy fails to meet the Basic Condition and it is respectfully requested that it is amended as suggested in this representation.

With regards to tourism development, particularly regarding rural development, Policy BE6 should be amended to be consistent with the NPPF and therefore meet the Basic Condition.

If BE4 and BE6 are amended as suggested, these Policies will meet the Basic Conditions required before the Plan is put to a Referendum, and made.

I look forward to communications in relation to the examination and confirmation that modifications will be made to the policies as suggested.

Yours sincerely,

**Peter Higginbottom MRTPI**

For and on Behalf of Planning Insight