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## **Mattishall Neighbourhood Plan Review Submission Draft (Regulation 16) Consultation Representations on behalf of Bellway Homes**

### Introduction

Marrons have been instructed by Bellway Homes to submit representations to the Mattishall Neighbourhood Plan (MNP) Review Submission Draft (Regulation 16) consultation being held by Mattishall Parish Council until 15<sup>th</sup> September 2024.

The MNP Review Submission Draft has been considered against the basic conditions and legal requirements set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), and associated requirements of the National Planning Policy Framework (NPPF)<sup>1</sup> (notably Paragraphs 37, 101 and 102) and National Planning Practice Guidance (NPPG) ('Neighbourhood Planning')<sup>2</sup>.

These representations relate to Bellway Homes' land interest at Thynne's Lane which has been submitted to Breckland District Council's Call for Sites exercise (reference LPRC4SDEV307) supporting the emerging Breckland Local Plan Full Update, for proposed residential development. A Site Location Plan identifying the land is appended to these representations.

### Policy MNP ENV2: Important Views and Vista

Draft Submission Policy MNP ENV2 seeks to amend and increase the number of Important Views and Vistas in the Parish from three to seven.

Bellway Homes support the removal of Important View and Vista c) identified in made MNP Policy ENV2, recognising its limited significance.

Bellway Homes do, however, object to the proposed identification of Important View and Vista 4 in Draft Submission Policy MNP ENV2. It is noted that in the Regulation 14 version of the

<sup>1</sup> [Ministry of Housing, Communities and Local Government, December 2023](#)

<sup>2</sup> [Ministry of Housing, Communities and Local Government, published 6<sup>th</sup> March 2014, last updated 25 September 2020](#)

MNP Review, Important View and Vista 4 was described as a "locally valued view looking inwards towards the settlement," but in the Regulation 16 version, it has been redefined as a "locally valued view looking out over open countryside." Despite this shift in description, the location of Important View and Vista 4 has not changed, and the Parish Council has provided no explanation for altering the view's direction.

Indeed, the photographic evidence provided by the Parish Council in Appendix 3 also remains unchanged. Therefore, as previously stated the view and vista is very limited in this location owing to the proximity of existing development and the tree-lined boundary.

Bellway Homes therefore respectfully requests that Important View and Vista 4 is removed as a proposed Important View and Vista from Draft Submission Policy MNP ENV2.

Policy MNP ENV4: Open and Local Green Space

Draft Submission Policy MNP ENV4 seeks to designate an additional eight Local Green Spaces in the Parish, including Site 5: Thynne’s Lane.

The NPPF is clear that the designation of a Local Green Space should be consistent with the local planning of sustainable development and compliment investment in sufficient homes (Paragraph 105), and is required to meet identified criteria (Paragraph 106).

A summary of each proposed Local Green Space designation is included in the Reasoned Justification for Policy MNP ENV4 at Paragraph 7.26, and the consultation is supported by an Open Spaces Assessment<sup>3</sup>.

The summary for Site 5: Thynne’s Lane reads:

*“The site is an agricultural field north of Thynne’s Lane, East of Welgate, South of Cedar Rise noted for its richness in wildlife. There are distinctive views of Mattishall village from south – see View 4 in Policy ENV2. A well-used footpath dissects the site. The principal function of this space is as a publicly accessible (footpath only) open space and through the visual amenity it provides to walkers.”*

The Open Spaces Assessment describes each proposed Local Green Space and makes an evaluation against the criteria set out in NPPF Paragraph 106. The assessment of Site 5: Thynne’s Lane is recreated below:

<b>Description</b>	Important view and vista - agricultural field north of Thynne’s Lane, East of Welgate, South of Cedar Rise - view of Mattishall village from south. Currently agricultural - arable field, dissected by frequently used public footpath - one east/west, one following northern perimeter.
<b>a) Is it in reasonable close proximity to the community it serves?</b>	The space is local in character and scale. It is immediately adjacent to Mattishall village centre and accessed by public footpaths.

<sup>3</sup> [Mattishall Neighbourhood Plan Open Spaces Assessment](#)

**b) Is it demonstrably special to a local community and does it hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife?**

In summary, the site is valued due to its:

- Beauty
- Recreational value
- Tranquillity
- Richness of its wildlife

As part of a community-wide engagement event in April 2023, residents were asked about the value attached to this site. Eighty-six residents participated, of which 84% regarded this site as being highly important. Further results are included in the information below.

**Beauty:**

The site forms part of the transition from the domestic and suburban form of development along Cedar Rise and Thynne's Lane into the agricultural landscape beyond. The site makes a positive contribution to the rural character of the area.

This site has been identified by the residents of the village as being an important view and vista. It is designated as such in the adopted Neighbourhood Plan POLICY ENV2. It is vital that this site is protected as a designated open space as it provides an open rural gateway to the village.

77% of village respondents regarded this site as having importance for its "Beauty".

**Recreational value:**

Footpath running approx. west/north west to East/South East across the site. Much used by local walkers, bird watchers and dog walkers. Footbridge across large drainage ditch used for recreation and an alternative "off road" access route to village centre. 90% of village respondents regarded this site as having importance for its "Recreational Value".

**Tranquillity:**

Pleasant open views to S and E across open farm land and to N and W to village houses, mainly screened by rich wildlife hedges. Objective 1 of the Mattishall Neighbourhood Plan is "*to protect and enhance the rural look and feel of the village and wider parish*". During the Neighbourhood Plan preparation process 92% of residents stated that maintaining rural views and vistas as wildlife corridors was important. 77% of village respondents regarded this site as having importance for its "Tranquillity".

**Richness of its wildlife:**

The site is an important wildlife corridor. It is a nesting and roosting site for birds; also water vole inhabit the water banks. 64% of village respondents regarded this site as having importance for its "Richness of Wildlife". The site is bordered by some extremely old hawthorn hedge according to the Woodland Trust. Species on the site (surveyed

	190723 am and 260723 pm and 070823) include: wood pigeon, dove, great tit, carrion, crow, rook, wren, robin, long tailed tit, chaffinch, blackbird, sparrow, skylarks, rabbits, yellowhammer, red kite, squirrels, buzzards, skylarks, barn owls, tawny owls, bats plus evidence of foxes.
<b>c) Is it local in character and not an extensive tract of land?</b>	Yes. Site under 20ha, with boundary clearly defined.

Bellway Homes consider that the proposed designation of Site 5: Thynne's Lane as a Local Green Space is contrary to NPPF Paragraph 105.

Breckland District Council have commenced a Full Update to the adopted Local Plan and are seeking to make provision for additional growth in the District, including at Local Service Centres such as Mattishall. Thynne's Lane has been submitted to the Call for Sites exercise supporting the Breckland Local Plan Full Update process, and it is considered to be a strong candidate for allocation for residential development given its close proximity to the village centre and accessibility of services, in particular when compared to other limited options in the village.

Designation of Thynne's Lane as a Local Green Space would limit the potential to deliver sustainable development and restrict Breckland District Council's ability to allocate sufficient sites to meet emerging housing requirements. Indeed, the Site was submitted to the Local Plan Full Update process as a potential Local Green Space, reference 034: Thynne's Lane, Mattishall, and was not considered appropriate for Local Green Space designation in the Preferred Options (June 2024)<sup>4</sup>.

Bellway Homes also consider that the proposed designation of Site 5: Thynne's Lane as a Local Green Space is contrary to NPPF Paragraph 106 as the criteria set out are not adhered to.

Much of the Parish Council's evidence supporting consideration of whether Thynne's Lane holds particular local significance due to its beauty, recreational value, tranquillity and richness of its wildlife is reliant on the views of local residents from the April 2023 engagement event as opposed to the views of any qualified body.

Taking each of those considerations in turn, Bellway Homes rebut that conclusions of the Open Spaces Assessment as follows:

*Beauty*

The Parish Council suggest the Site's beauty is the contribution it makes to the transition from the urban area to open countryside, but clearly this is true of any land parcel which abuts the boundary of the built-up area. Indeed, this is more limited at Thynne's Lane given the land is contained by residential development to the west and south-east, with development forming part of the landscape to the east.

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<sup>4</sup> [Regulation 18 Preferred Options Local Plan Full Update June 2024 \(breckland.gov.uk\)](https://www.breckland.gov.uk/regulation-18-preferred-options-local-plan-full-update-june-2024)

Whilst recognising that Important View and Vista c) of made MNP Policy ENV2 runs across the Site, this does not contribute in itself to the beauty of the Site. Indeed, ENV2 supports development proposals which take account of Important Views and Vistas, which can be achieved through careful masterplanning of Thynne's Lane. It is noted that the Submitted version of the MNP Policy ENV2 proposes to remove this Important View and Vista, recognising its limited significance.

### *Recreational Value*

Recreational use of the Site is limited to the Public Rights of Way, which would require retention or diversion through any development proposal. Indeed development of the Site would likely result in improvements to the existing Public Rights of Way and provide additional connections between the village and wider countryside, this increasing its recreational value. Overall the Site is in agricultural use and thus holds no recreational value.

### *Tranquillity*

The Parish Council appears to have misinterpreted the meaning of tranquillity which is a sense of calm and peace, rather than the contribution land makes to views across the Site into the open countryside, which has been considered in discussion on 'Beauty' above.

The contribution the Site makes in this regard will be true of any land parcel which abuts the boundary of the built-up area, and is indeed more limited at Thynne's Lane given the land is contained by residential development to the west and south-east, with development forming part of the landscape to the east.

Whilst recognising that Important View and Vista c) of made MNP Policy ENV2 runs across the Site, this does not contribute in itself to the tranquillity of the Site. Indeed, ENV2 supports development proposals which take account of Important Views and Vistas, which can be achieved through careful masterplanning of Thynne's Lane. In fact, Draft Revised Policy MNP ENV2 proposes to remove this Important View and Vista, recognising its limited significance.

### *Richness of Wildlife*

The notion that the Site is an important wildlife corridor is questioned given the context of the Site and surrounding land uses.

The Parish Council cite a number of species which have been observed on the Site in a series of surveys undertaken, however these surveys have not been produced in evidence supporting the MNP Review consultation and thus it is unclear whether these have been undertaken by a professional Ecologist and in accordance with recognised professional standards.

Even if the list of species 'observed' on the Site is accurate, which is not clear at this stage, it is considered that a richness of wildlife has not been demonstrated given the type and nature of the species observed.

Thus, Bellway Homes consider that criterion b) of NPPF Paragraph 106 is failed.

There is no explanation provided in the Neighbourhood Plan with regard to 20 hectares being the limit for a land parcel to be considered as not extensive, but evidentially this does not relate to any national planning policy or guidance, and clearly this is subjective based on the scale of the settlement it relates to. Thynne's Lane measures some 6.039 hectares, which Bellway Homes considers is extensive in the context of Mattishall and the purposes of a Local Green Space designation.

Thus, Bellway Homes consider criterion c) of NPPF Paragraph 106 is also failed.

It should also be noted that the Breckland District Council Draft Local Plan Full Update Preferred Options published in June 2024, designates three new Local Green Spaces are proposed in Mattishall. However, this has not included land at Thynne's Lane.

As a result, Draft Submission Policy MNP ENV4 fails to have regard to national policies and advice and is contrary to basic condition a), and also fails to contribute to the achievement of sustainable development so is contrary to basic condition d). Bellway Homes therefore respectfully requests that Site 5: Thynne's Lane is removed as a proposed Local Green Space designation in Draft Submission Policy MNP ENV4.

#### Policy MNP HOU1: A Spatial Strategy for Mattishall

Draft Submission Policy MNP HOU1 sets out the spatial strategy for Mattishall, namely restricting residential development proposals to land which falls within the defined Settlement Boundary where it does not comply with the limited exceptions listed in criterion 3. Bellway Homes consider that the MNP Review should be more proactive in supporting growth in the village to help meet current and future local needs.

Breckland District Council are progressing a Local Plan Full Update which will direct growth in the District to 2046. The Government's calculation of minimum housing requirement in Breckland District derived from the Standard Method is 661 dwellings per annum, which equates to 16,525 new dwellings in the period 2021 to 2046. Whilst there may be planning permission for around 8,000 new homes in the District, land for at least a further 8,500 dwellings will have to be identified.

The NPPF is clear that the annual requirement generated from the Government's Standard Method is an advisory starting-point for establishing a housing requirement for the area, and that the District Council should consider whether it is appropriate to set a higher housing requirement in line with national guidance. This includes, for example, in order to address a significant affordable housing shortfall, to support economic development, or to address strategic infrastructure requirements which are likely to increase the number of homes needed.

Breckland District Council will need to consider these factors and provide appropriate evidence in setting its housing requirement for the Local Plan Full Update, but it is noted that Breckland's latest affordability ratio is 8.4, meaning the average house price in the District is more than eight times the median gross annual salary. Planning for additional growth in the District and increasing the level of supply will help improve affordability for local people.

Growth in the right places is also fundamental to the delivery of sustainable development in a Local Plan. Whilst Breckland District Council's Draft Local Plan Full Update Preferred Options does not propose any new allocations for Mattishall, the village maintains its status as a Local Service Centre due to its strong services, facilities, and public transport links. Further growth in Mattishall would help sustain the existing thriving community and remains a sustainable and viable location for future development within the district.

The MNP Review relies upon the fact that completions since 2021 and outstanding permissions in the Parish total 103 dwellings and that this is sufficient growth, however this is considered likely to be insufficient to meet current and future local needs.

It is further noted that the proposed revisions to the NPPF currently subject to consultation would require the Council to increase the housing requirement being planned for in the Local Plan Full Update from 661 dwellings per annum to 917 dwellings per annum in line with the revised Standard Method calculation, having not yet reached Examination and not within 200 dwellings of the new figure. This would increase the overall requirement by 6,400 dwellings to 22,925 dwellings to 2046.

Given the above, Bellway Homes consider that the Parish Council should identify appropriate land for residential development through the MNP Review to ensure local people can have a meaningful say and where development will take place. This will also ensure that the MNP Review is not contrary to basic condition d) which requires the MNP Review to contribute to the achievement of sustainable development.

Bellway Homes are promoting Thynne's Lane which has been submitted to the District Council's Call for Sites exercise supporting the Local Plan Full Update, reference LPRC4SDEV307.

It is considered to be a suitable candidate for allocation for residential development. The Site has no major on-site constraints which limit its development potential and it is in close proximity to the village's existing extensive range of services, facilities and public transport offer. Indeed, residential development would be complementary to surrounding land uses and would make a sizeable contribution to affordable housing provision in the area, as well as a range of market dwellings including family homes.

#### Policy MNP HOU2: Housing Types

Draft Submission Policy MNP HOU2 seeks to introduce a requirement for all new housing to be built to M4(2) accessible and adaptable standards other than where it can be demonstrated that this would make the development unviable, at criterion 4.

Bellway Homes are supportive of building to M4(2) accessible and adaptable standards where appropriate, however there may be instances where greater flexibility is required in order to meet local needs.

Further, Bellway Homes consider that the introduction of such standards is contrary to the NPPF which is clear at Paragraph 135 f) and Footnote 52 that optional technical standards for

accessible and adaptable housing should only be introduced where this will address an identified need for such properties.

In the absence of such evidence, Bellway Homes respectfully considers that criterion 4 of Draft Submission Policy MNP HOU2 should be amended to encourage consideration of M4(2) accessible and adaptable standards dwellings against need and the local market, or be deleted.

#### Policy MNP HOU5: Sustainable Design and Construction

Draft Submission Policy MNP HOU5 seeks to introduce sustainable design and construction requirements for development proposals.

Criterion 1 seek to require all development proposals to apply the energy hierarchy, however this is too onerous and it could be applied to any planning application, as drafted. Further, as drafted there is little clarity provided with regard to how a decision-maker should assess the steps taken by an applicant to address the energy hierarchy. As such, Bellway Homes respectfully considers that criterion 1 should be revised to encourage the application of the energy hierarchy, where applicable, or be deleted.

In addition, criterion 3 seeks to introduce the requirement for a Sustainability Statement as an additional validation requirement which all development proposals would be required to produce. As drafted, criterion 3 is both too onerous and unsubstantiated, given the considerations set out will form part of the Design and Access Statement of any qualifying development proposal and will be legislated through Building Regulations. As such, criterion 3 should be revised to encourage consideration of the requirements set out, or be deleted.

#### Conclusion

Bellway Homes consider that a series of amendments are required to the MNP Review Submission Draft (Regulation 16) before it is submitted to Breckland District Council. These are summarised below:

- Policy MNP ENV2: Important Views and Vista – Important View and Vista 4 should be removed as a proposed Important View and Vista.
- Policy MNP ENV4: Open and Local Green Space – Site 5: Thynne's Lane should be removed as a proposed Local Green Space.
- Policy MNP HOU1: A Spatial Strategy for Mattishall – the MNP should be more proactive and identify land for residential development to meet current and future local needs, particularly in the context of the emerging Breckland Local Plan Full Update, and this should include Thynne's Lane which is being promoted by Bellway Homes.
- Policy MNP HOU2: Housing Types – the proposed requirement at criterion 4 for all new housing to be built to M4(2) accessible and adaptable standards should be amended to encourage consideration against need and the local market, or be deleted.



- Policy MNP HOU5: Sustainable Design and Construction – the proposed requirement for demonstrating adherence with the energy hierarchy criterion 1 should be revised to encourage its application where applicable or be deleted, and the proposed introduction of an additional validation requirement Sustainability Statement should be deleted or revised to encourage consideration of the requirements set out.

In Bellway Homes' view, failure to address the above will result in the Examiner having to make modifications before finding the MNP Review can be found to be in accordance with the basic conditions, or may even result in the Examiner finding that the MNP Review should not proceed to a Referendum whatsoever, a situation the Parish Council will undoubtedly want to avoid.

Please do not hesitate to get in touch if there are any queries in relation to the above.

Yours Sincerely,

