

Subject: Proposed Amendment to Interim
Housing Policy: July 2008

Status: For Publication

Report to: Cabinet

Date: 17th February 2010

Report of: Director of Business

Portfolio

Holder: Regeneration

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To seek members' approval to make a minor amendment to the supporting text of the Interim Housing Policy adopted July 2008 in relation to the definition of "backland development" in order to clarify when it will generally be acceptable in to allow development in these situations.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality Services to our customers
- Delivering regeneration across the Borough
- Encouraging healthy and respectful communities
- Keeping our Borough clean, green and safe
- Promoting the Borough
- Providing value for money services

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Through the use of the IHP July 2008, it has been established that further clarity is required in relation to the definition of Backland Development. Without this clarity, there is a risk of misunderstanding by residents, officers, members and developers as to when development may be acceptable. This could lead to Council resources being used in unnecessary planning appeals.

4. BACKGROUND AND OPTIONS

Background

- 4.1 Within the definition of previously developed land in Planning Policy Statement 3, it is clear that gardens to residential properties are considered to be previously developed land. As a consequence the development of garden land can be a valuable resource for the re-use of previously developed land.
- 4.2 However the Council recognises that the development of gardens and in particular back gardens is not always appropriate having regard to the residential character of an area, residential amenity, access and parking.
- 4.3 The Interim Housing Policy July 2008 sets out in policy the preference for proposals to be on previously developed land. However, within the supporting text of the policy, it goes on to state in respect of Backland Development:

The Council has also experienced increases in proposals for backland developments, including developments of domestic gardens/ curtilage. The release of such land can have detrimental effects upon the surrounding residential environment and therefore will not be promoted as part of this policy.

Where open land exists within the curtilage of previously developed land and buildings, the Council will not grant permission for new housing development at this time. This approach is in accordance with PPS3, which states that there is no presumption that the whole of the curtilage should be developed, and will enable the prioritisation of truly brownfield sites, whilst the council has a rolling five year supply. Baroness Morgan confirmed in a debate in the House of Lords (December 2007) that local authorities can ensure that in a local policy they exclude gardens from the brownfield allocation.

4.4 It is considered having had regard to the use of this policy and supporting text in development control practice that further clarity is required as to the definition of “backland development” and when its development including in respect of gardens may be considered acceptable given that it can be a valuable resource of previously developed land in respect of government guidance.

4.5 Accordingly, it is proposed to remove the current supporting text in the Interim Housing Policy and to replace it with text to provide a clearer definition of “backland development” as:

“Development on land that lies to the rear of an existing property that often, but not in all cases, fronts a road. The term usually applies to housing and is normally associated with small scale development, usually one or two plots. Access can be from the road serving the original properties from the front or from the side or rear. Backland development may occur within the curtilages of existing buildings or closely adjacent to them”.

4.6 Furthermore, it is proposed within this report to provide further clarity for development control purposes as to when “Backland development” may be considered acceptable. The proposed changes are as follows:

Proposals for residential development in backland situations will be permitted only where the following criteria are met:

- i) The proposal will not adversely affect the character of that part of the settlement*
- ii) The proposal will not adversely affect the amenity of neighbouring residential properties*
- iii) That suitable access and parking can be provided.*

Tandem development i.e one house sited immediately behind another and sharing the same access will not be permitted.

4.7 This guidance is intended to achieve good quality development which will preserve the amenity of existing property and provide occupants of the new development with a high quality environment.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 There are no immediate or direct financial implications for Council.

6. MONITORING OFFICER

6.1 Comments included within the report.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 There are no HR implications.

8. CONCLUSION

8.1 Through the use of the supporting text in the current Interim Housing Policy July 2008 in Development Control practice, it has been established that further clarity is required as to the definition of “Backland” and as to when its development may be considered acceptable. It is proposed to therefore replace the current supporting text of the Interim Housing Policy July 2008 with the text as contained in paragraphs 4.5 and 4.6 of this report.

9. RECOMMENDATION(S)

9.1 That members agree to amend the Interim Housing Policy July 2008 by replacing the existing text in respect of the section “Backland Development” with that as contained in paragraphs 4.5 and 4.6 of this report.

9.2 All future minor amendments to the Policy to be delegated to the Planning Manager in consultation with the Portfolio Holder.

10. CONSULTATION CARRIED OUT

10.1 External consultation has been undertaken with Government Office for the North West. Informal internal discussions have been undertaken with the Section 151 Officer, the Head of Regeneration and the Portfolio Holder.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes / No

Is a Community Impact Assessment attached Yes / No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required Yes / No

Is a Biodiversity Impact Assessment attached Yes / No

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Background Papers	
Document	Place of Inspection
Interim Housing Policy July 2008	One Stop Shop