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Date: 29 January 2015

Strategy and Partnership Team  
Lake District National Park Authority  
Murley Moss  
Oxenholme Road  
Kendal  
Cumbria  
LA9 7RL

Dear Sir/Madam

### **Submission of Matterdale Neighbourhood Plan**

For your information, please find attached an officer response to the Submission Draft Neighbourhood Plan Proposal. These comments have yet to be ratified by Members of our Park Strategy and Vision Committee therefore this is not the formal response of the Lake District National Park Authority. It is acknowledged that it is your intention to submit the submission documents for formal examination as soon as possible after receipt of any representations following the consultation which is due to end on 20 February 2015. This may be prior to the Committee ratifying the formal response on the 25 February 2015; therefore the Authority will submit its formal response once it has been ratified.

Yours faithfully



Chris Warren  
Team Leader - Strategy

Richard Leafe, Chief Executive

## ANNEX 1: Matterdale Parish Submission Draft Neighbourhood Plan Proposal

This response focusses on those policies where elements remain contentious

Policy proposal	
<b>MNP1</b>	<p><b>Housing Provision</b></p> <p>The Neighbourhood Plan will generally allow an average of 1 or 2 new dwellings per year within Matterdale Parish subject to the overall figure not being more than 25 dwellings up to 2030 unless there is clear evidence of housing need.</p> <p>It is recognised however, that a higher annual figure may come forward and be permitted in the early years of the adoption of this policy as the latent demand for housing in Matterdale is met.</p>
<b>Authority response</b>	<p>Core Strategy policy CS05 anticipates approximately 7% of all development across the National Park to take place in the East Distinctive Area. This equates to 63 new houses. In accordance with the provisions of the National Planning Policy Framework the Core Strategy policy CS02 seeks to direct the majority of new developments to the rural service centres, villages and (to a lesser extent) cluster communities. At least 50% development will be located in rural service centres, approximately 20% in villages and no more than 30% in cluster communities and open countryside. Across the East Distinctive Area there is one rural service centre and four villages. There are no rural service centres, villages or cluster communities identified within Matterdale Parish; the whole Parish is classified as open countryside.</p> <p>We acknowledge that in order to support and maintain Matterdale Parish as a sustainable and vibrant community, some development is necessary. CS02 sets out those circumstances where new dwellings are permitted in the open countryside, and MNP2 and MNP3 add detail and shape to the strategic policy.</p> <p><b>Degree of conflict:</b></p> <p>Policy MNP1 aims to facilitate up to 25 new dwellings in the open countryside over the plan period; this is 40% of the new housing development anticipated across the whole of the East Distinctive Area during the plan period. Crucially, this facilitates at least 40% of new development within open countryside which is in conflict with the strategic policy approach in CS02 which states this should be no more than 30% in Cluster communities and the Open Countryside.</p> <p>In line with the strategic housing policy CS18, all new housing in Matterdale Parish should be based on evidence of housing <b>need</b>, not demand, and located in accordance with the relevant planning policy. We do not consider the figure proposed is based on a robust methodology and therefore does not accurately identify the housing need in Matterdale Parish.</p> <p><b>Suggested modifications:</b></p> <p>Given that CS02 sets out those circumstances where new dwellings are permitted in the open countryside, and MNP2 and MNP3 add detail and shape to the strategic policy, we consider this policy is superfluous and suggest it is deleted.</p>
<b>MNP2</b>	<p><b>Local Needs Housing (Conversions, Reinstatement and Subdivisions)</b></p> <p>Local Needs Housing will be permitted where it meets any (or some) of the criteria in list A and all of the criteria in list B:</p> <p>List A</p> <ol style="list-style-type: none"> <li>1. The reinstatement of a former dwelling including ruins</li> </ol>

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	<ol style="list-style-type: none"> <li>2. The conversion of existing traditional (pre 1947) buildings</li> <li>3. The reuse of redundant traditional (pre 1947) buildings</li> <li>4. The subdivision of existing dwellings</li> </ol> <p>List B</p> <ol style="list-style-type: none"> <li>1. The proposal including any access tracks will not have a significant unacceptable impact on the landscape or visual amenity of the area</li> <li>2. All normal site planning requirements are met.</li> <li>3. The renewable energy requirement of CS16 is increased to 50% provided, where necessary, through rebuilding/ redesign in energy efficient methods rather than preserving inefficient building techniques. This may involve demolition and rebuild.</li> <li>4. The design is of high quality and sensitive to the cultural and environmental context of the site and the size of the dwelling is a consequence of the design process.</li> </ol>
<p><b>Authority response</b></p>	<p>This policy provides criteria to determine residential applications involving conversions, reinstatement and subdivision. List A is considered to be a locally distinct approach and links directly with CS02 ‘Open Countryside’ bullet 4, by expressing the scenarios where this bullet is appropriate. However, we consider bullet 3 in List B of MNP2 will force new build and not the re-use of buildings which is the thrust of this policy. New build is considered under MNP3. In the same vein, the reference ‘including ruins’ needs to be clarified for the purpose of ensuring the policy is applied consistently, as this scenario could lead to new build and therefore should be considered under MNP3.</p> <p><b>Suggested modifications:</b></p> <p>In order to acknowledge the distinct characteristics and limited development opportunities within Matteredale Parish, List A should be expressed as the ‘special circumstances’ where homes in the countryside would be acceptable as required by paragraph 55 of the NPPF. And to give expression to the exceptions set out in CS02 Open countryside.</p> <p>We suggest bullet 3 is redrafted to include, in the case of new build, a reference to MNP3. This will provide the decision maker with clarity to apply the policy consistently.</p>
<p><b>MNP3</b></p>	<p><b>Affordable Local Needs Housing (New Build)</b></p> <p>New build local needs houses may be permitted only where:</p> <ol style="list-style-type: none"> <li>1. An equivalent number of Affordable Local Needs houses are delivered as part of the proposal (secured through a s106 undertaking) and provided the following criteria are met: <ul style="list-style-type: none"> <li>• The sites for both the Local Needs and Affordable Local Needs dwellings are acceptable to the Parish Council</li> <li>• A financial appraisal of the proposal shows it is viable within the terms of 173 of NPPF providing a site value for the Local Needs dwelling of £150,000 and £20,000 for the Affordable Local needs Dwelling (index linked) is used</li> <li>• All other site planning requirements are met</li> </ul> </li> </ol> <p>Or</p> <ol style="list-style-type: none"> <li>2. The proposed dwelling meets all the following criteria: <ul style="list-style-type: none"> <li>• Limited to 125m<sup>2</sup> internal floorspace</li> <li>• Is on the site of an existing building or forms an infilling or rounding off of an existing group of buildings</li> <li>• Is within close proximity to other housing</li> </ul> </li> </ol>

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	<p>Or</p> <p>3. Is within a 'cluster community' as defined within the LDNPA Core Strategy / Local Plan</p>
<b>Authority response</b>	<p>This policy provides the criteria to determine applications for new build homes in the open countryside. The recent amendments to national planning practice guidance regarding planning obligations are a material consideration but do not apply to exception sites. With regards to bullet one, the policy needs to be clear that the bullet refers to exception sites.</p> <p>Matterdale Parish has no cluster communities defined by the Core Strategy (Local Plan Part One); therefore the third bullet is not relevant.</p> <p>We consider the policy title is ambiguous and does not accurately reflect the content of the policy.</p> <p><b>Suggested Modifications:</b></p> <p>We suggest the title is changed to 'New build housing'.</p> <p>Bullet three should be deleted as it is not relevant.</p> <p>Reference should be made to exception sites in bullet one to ensure there is no potential conflict with National Planning Practice Guidance.</p>
<b>MNP11</b>	<p><b>Parish consultations</b></p> <p>Where the Parish Council writes to the Park Authority citing this policy in support or in opposition to a particular proposal <u>and</u> citing material planning considerations supported by evidence rather than solely assertion, those matters should be given significant additional weight by the decision maker in any balancing exercise to be undertaken.</p>
<b>Authority response</b>	<p>This is not a policy in that it does not guide decision-making, but seeks to arbitrarily give greater weight to what the Parish Council considers to be material rather than the decision-maker (i.e. the LDNPA) forming a view and making a decision with all the facts before them.</p> <p>Once the Neighbourhood Plan has been made, it becomes part of the Development Plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The law is equally clear that the weight to be given to any consideration is a matter for the decision maker, i.e. in this context the Authority.</p> <p><b>Suggested modifications:</b></p> <p>Recommend MNP11 is deleted</p>

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