



# RESPONSE TO THE CITY OF YORK LOCAL PLAN EXAMINATION

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## VISTRY HOMES

YORK LOCAL PLAN: INSPECTORS' MATTERS, ISSUES AND  
QUESTIONS (PHASE 4)



# RESPONSE TO THE CITY OF YORK LOCAL PLAN EXAMINATION

**On behalf of: Vistry Homes**

**In respect of: York Local Plan: Inspectors' Matters, Issues and Questions (Phase 4)**

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# Contents

1.0 INTRODUCTION .....4

2.0 DEFINING BOUNDARIES.....5

3.0 MATTER 1 – GREEN BELT BOUNDARIES .....6

## List of Figures

Figure 1 - Aerial Image of the Site in relation to Haxby .....7

Figure 2 - Existing Green Belt Boundaries of Haxby .....7

Figure 3 – Proposed Green Belt Boundaries of Haxby.....8

Figure 4 - Western Boundary of ST9 in relation to Proposed GB Boundaries (green) ..... 11

Figure 5 - Northern Boundary of ST9 in relation to Proposed GB Boundaries (green) ..... 12

Figure 6 - Eastern Boundary of ST9 in relation to Proposed GB Boundaries (green)..... 12

## 1.0 Introduction

- 1.1 This Statement ('the Statement') is submitted on behalf of Vistry Homes Ltd. ('the Developer') to assist the Inspectors in their examination of the City of York Local Plan ('the Plan').
- 1.2 This Statement provides specific responses to the Inspector's matters, issues and questions set out in the Schedule of Matters, Issues and Questions document ('MiQ's') ([EX/INS/42a](#)) published on 27<sup>th</sup> July 2022 and revised on the 1<sup>st</sup> August 2022. Specifically, it will address Matter 1 – Green Belt Boundaries: Question 1.3.
- 1.3 This submission follows various detailed representations previously submitted to the City of York Council ('the Council'), throughout the plan-making process in relation to land referenced as 'ST9' ('the Site').

## 2.0 Defining Boundaries

- 2.1 In order to assess the soundness of the Green Belt boundaries, it is necessary to consider the provisions of NPPF.
- 2.2 Both the 2012 NPPF and the updated 2021 Framework share the same five stated purposes for the Green Belt.
- 2.3 Importantly, paragraph 85 of the 2012 NPPF states that:

*“When defining boundaries, local planning authorities should:*

- i) ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- ii) not include land which it is unnecessary to keep permanently open; and*
- .....*
- vi) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

## 3.0 Matter 1 – Green Belt Boundaries

3.1 We only wish to comment on Question 1.3 of the Matter 1 questions.

### Question 1.3

*Are the Green Belt boundaries of ‘Other Densely Developed Areas’ (Topic Paper 1 Addendum Annex 4) reasonably derived?*

3.2 In this submission we comment on the Green Belt boundaries associated with the housing allocation known as ST9 and the Council’s approach to the Green Belt boundaries around the Site. We will begin by describing the boundaries in question and outlining some of the background associated with the history of the allocation of the Site before describing why we **support** the proposed Green Belt boundaries and why we believe that they are reasonably derived.

### ***Description of site***

3.3 The Site is bound to the south by the urban area of Haxby, which is comprised of modern detached and semi-detached dwellings and a cemetery. The southern boundary of the Site lies about 500 metres north of the district centre of Haxby which contains a wide range of local services and facilities. The western boundary of the Site is largely formed by a mature hedgerow which is partially managed and within which there are a number of mature trees. Beyond the hedgerow and tree there is Moor Lane. The eastern boundary is also formed by a hedgerow which is also partially managed. Usher Lane lies beyond the hedgerow. To the north the boundary to the Site is formed by various hedgerows, trees and drainage channels.

### ***History of ST9***

3.4 The Site lies adjacently to the north of the settlement of Haxby (see **Figure 1** below) and was first allocated for housing with reference ‘ST9’ in the 2013 ‘Preferred Option’s iteration of the Plan and remained as an allocation in the 2014 Publication Draft version of the Plan, the 2016 Preferred Option draft and the 2018 Publication Draft and the 2019 Submission Draft.

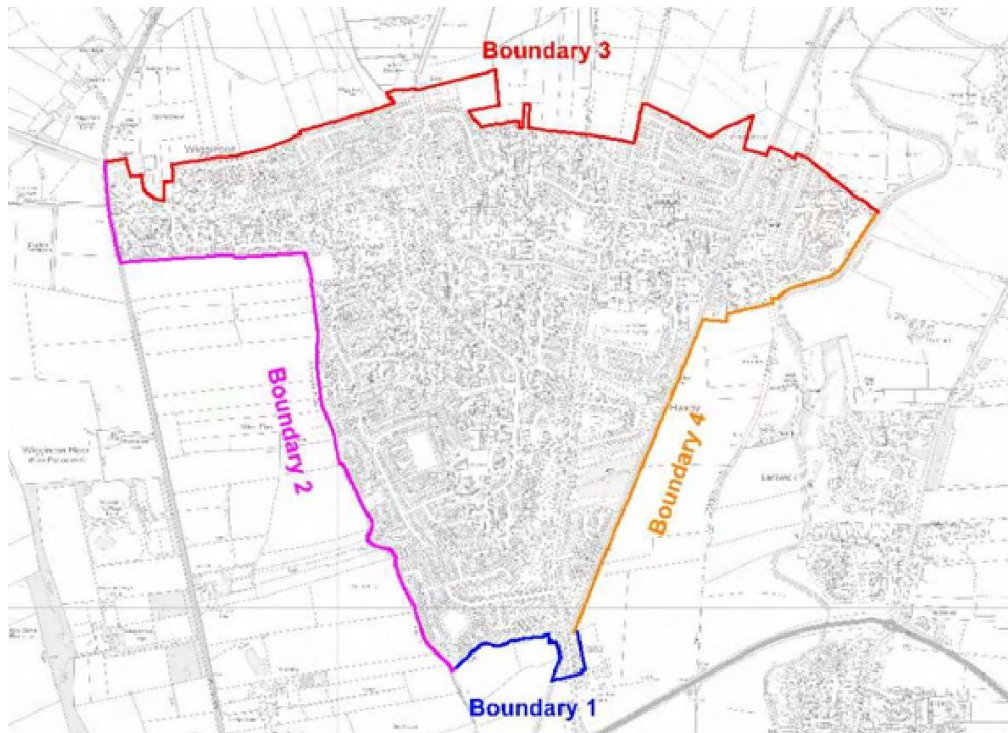
3.5 The Site’s appropriateness for delivering a strategic housing development has been demonstrated through its inclusion in every iteration of the Plan.



*Figure 1 - Aerial Image of the Site in relation to Haxby*

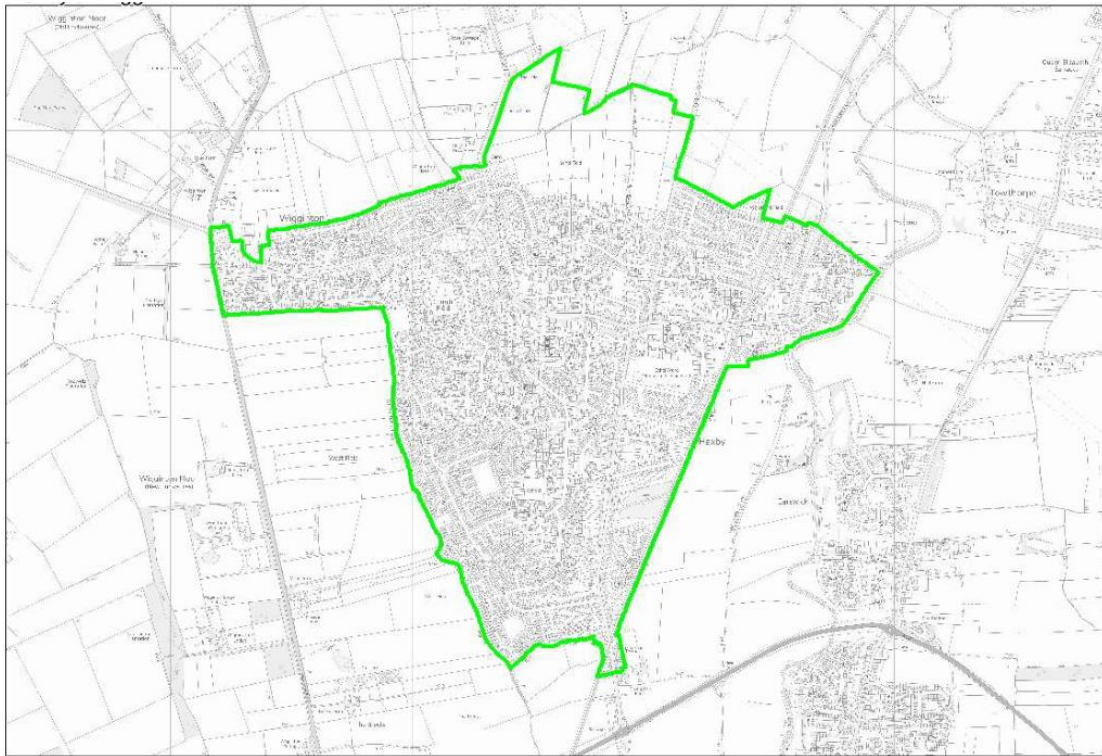
**The Boundaries**

3.6 The Council considers that the existing Green Belt boundaries around Haxby are shown in Figure 2 below.



*Figure 2 - Existing Green Belt Boundaries of Haxby*

- 3.7 The Councils proposed Green Belt boundaries around Haxby are presented below in **Figure 3** below.



*Figure 3 – Proposed Green Belt Boundaries of Haxby*

- 3.8 The only proposed change for the settlement is to existing Boundary 3 (the settlement’s northern boundary) which is to be extended to include the strategic housing allocation known as ST9.

***The Council Approach to the Proposed Boundaries***

- 3.9 Within Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021): Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt ([EX/CYC/59F](#)), the Council set out the reasoning underpinning the boundary.

- 3.10 The Council note the following:

*‘..... To the north of the village, the Green Belt boundary follows rear property boundaries along Windsor Drive, turning north up Moor Lane before going east following field boundary to Usher lane. The boundary then follow the rear curtilage of properties of Usher Park Road. The boundary continues along the rear property boundaries, crossing over the railway line until it reaches the rear boundaries of Netherwindings and the River Foss. The boundary in this section consists of a combination of hedges, trees, fences (mostly forming the curtilage boundaries of properties) and the carriageway. The boundary is recognisable and is easily determined on OS maps and on the ground.*



*Parts of the boundary follow rural field boundaries dating from before the mid-19th Century (although the residential development adjacent to the boundary only dates from the late 20th Century). Parts of the revised boundary around the allocation follow historic field boundaries present on 19th Century mapping. The boundary offers permanence to the rear of current 20<sup>th</sup> Century development.'*

3.11 We fully support the Council's assessment of the boundaries.

### ***The Site in Relation to Green Belt Purposes and Haxby's Proposed Boundaries***

3.12 In the context of the Site, we consider that there are 3 elements of paragraph 85 of the NPPF to consider. These being whether:

- the allocation of the land for residential development would ensure consistency with the Plan strategy;
- it is unnecessary to keep the Site permanently open; and
- boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent.

### **The allocation of the land for residential development would ensure consistency with the Plan strategy**

3.13 First, it is clear that the allocation of land for development in Haxby is consistent with the Plan strategy as the Site was allocated for development in the 2013 version of the Plan and proposed as a residential allocation again in the 2014 version of the Plan and has remained an allocation within the subsequent iterations of the Plan and is fully supported by the Council. We firmly support the Council's conclusion in this respect.

### **It is unnecessary to keep the Site permanently open**

3.14 Second, the Site was assessed as part of the Council's rigorous selection methodology and, as a result of passing this process, it was allocated by the Council for development. The Council have identified that the Site does not need to be kept permanently open. We firmly support the Council's conclusion in this respect.

3.15 To consider whether the Site needs to be kept permanently open it is worth reflecting upon the purposes of including land in the Green Belt, specifically the first, third and fourth purposes. Haxby is a village, not a town, meaning the second purpose *to prevent neighbouring towns merging into one another*, need not be considered. Equally, the fifth criterion *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*, need not be considered, as it is accepted that there is a need to release land from the general extent of the Green Belt to meet the housing requirement. This is the approach taken in the Topic Paper 1: Approach to defining York's Green Belt Addendum 2021([EX/CYC/59](#)).

*Purpose 1 – To Check the Unrestricted Sprawl of Large Built-Up Areas*

- 3.16 The Site lies to the north of Haxby, a highly sustainable village. Haxby is not a large built up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village given the clear boundaries around the Site. The boundaries of the Site are established and clear and provide a logical edge to Haxby. The establishing of strong and clearly identifiable boundaries will prevent unrestricted sprawl. The development of the Site would therefore be restricted and would not result in sprawl. The Site does not need to be kept permanently open as development will not lead to unrestricted sprawl of a large built-up area.

*Purpose 3 – To Assist in Safeguarding the Countryside from Encroachment*

- 3.17 The Site is largely comprised of various paddocks and parcels of land, many of which are relatively modest, and elongated in shape. Due to the dense vegetation, it does not provide extensive open views. This diminishes any sense that the Site is truly part of the countryside. It is well related to the existing urban form of the village and is of a fundamentally different character to the land to the immediate north, which is more typical of countryside, comprising of large scale open arable fields.
- 3.18 Regardless of the character of the land to the north of Haxby, parts of the existing northern edge of Haxby are simply formed by rear garden fences, fences to side gable walls or highways that terminate at agricultural access points. In such areas the boundary is weak. The allocation of ST9 provides the opportunity to create a permanent Green Belt which will endure and will safeguarded the countryside from encroachment in the long term.
- 3.19 It is our view that the definition of the Green Belt boundaries proposed by Council will assist in safeguarding the countryside from encroachment.

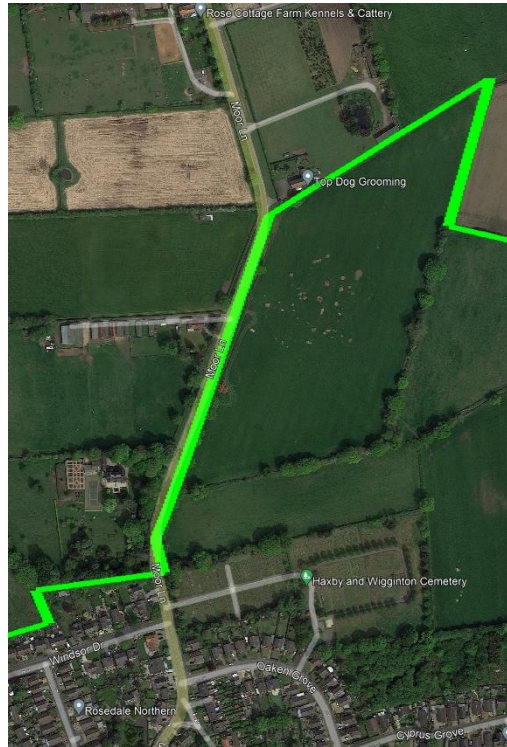
*Purpose 4 – To Preserve the Setting and Special Character of Historic Towns*

- 3.20 The Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York, and it is not on one of the approaches to the city and therefore remains discreet and separate from the wider landscape that surrounds the city. The Site is separated from York by the existing urban form of Haxby and therefore the allocation of the Site does not affect the setting of York or its special character or your appreciation of the setting of York. Equally, the Site does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site, whilst admittedly largely undeveloped, does not need to be kept permanently open to fulfil this purpose of including land within the Green Belt.
- 3.21 In conclusion the land does not need to be kept permanently open and therefore the Green Belt boundaries are clearly appropriate.

**Boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent.**

3.22 Thirdly, when defining boundaries, the NPPF urges planning authorities to use clear physical features that are readily recognisable and likely to be permanent. We will now consider whether the proposed boundaries in relation to ST9 are suitable having regard to the requirements of NPPF.

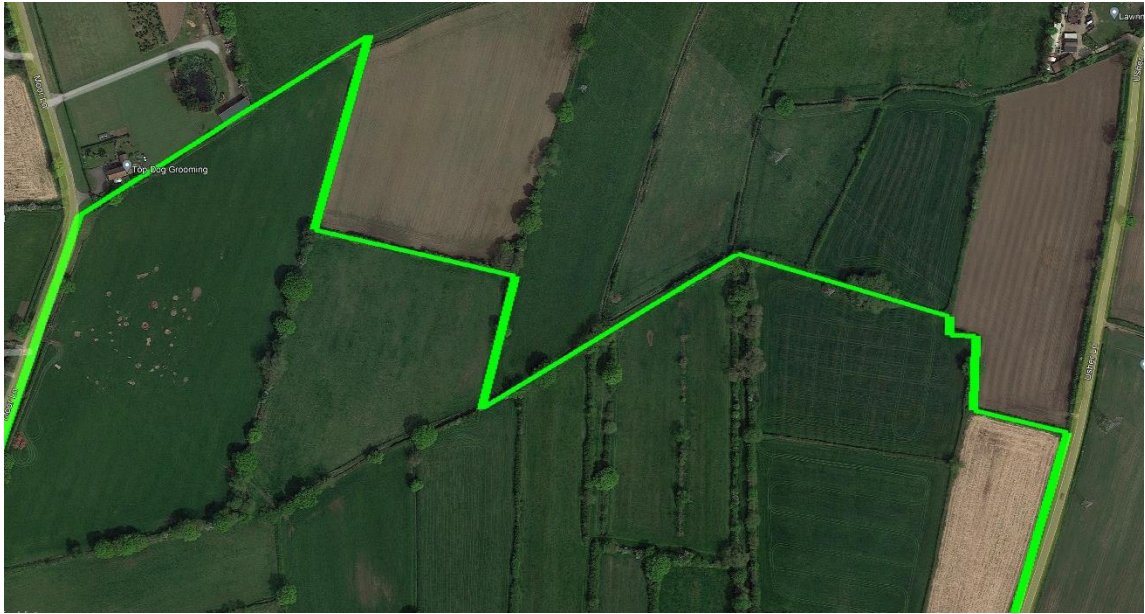
3.23 The western boundary of ST9 is illustrated in **Figure 4** below.



*Figure 4 - Western Boundary of ST9 in relation to Proposed GB Boundaries (green)*

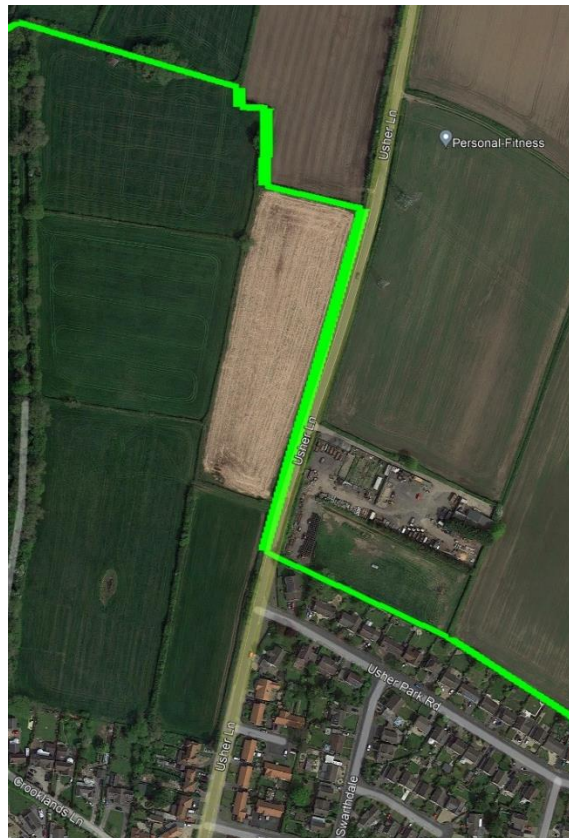
3.24 From Haxby and Wigginton cemetery the proposed Green Belt boundary extends northwards along Moor Lane (which runs along the western edge of the Site). It is evident that, in following Moor Lane and its hedgerow (partial), this boundary provides a clear physical edge and uses a physical feature that is both readily recognisable and that will be permanent.

3.25 The northern boundary of ST9 is illustrated in **Figure 5** below. From Moor Lane the Green Belt boundary turns eastward following a hedgerow, separating the dog groomers from the Site, which, again, provides a readily recognisable, permanent feature. Moving further eastwards, the northern boundary of the Site continues to follow established field boundaries, comprised of trees, hedgerows and drainage ditches again providing a recognisable and logical edge to the settlement, and ensures that the settlement, and open countryside to the north will remain distinct and separate.



*Figure 5 - Northern Boundary of ST9 in relation to Proposed GB Boundaries (green)*

3.26 The eastern boundary of ST9 is illustrated in **Figure 6** below. On the eastern side the boundary follows a further hedgerow and Usher Lane. Again, the highway provides a clear physical boundary.



*Figure 6 - Eastern Boundary of ST9 in relation to Proposed GB Boundaries (green)*

- 3.27 All of the boundaries are permanent and are clearly distinguishable. It is our view that the boundaries will provide a recognisable and logical edge to the settlement, and ensures that the settlement, and open countryside to the north remain distinct and separate. The use of strong and clear boundaries will ensure the Council are able to prevent unrestricted sprawl and encroachment into the countryside.
- 3.28 We therefore wholly **support** the proposed Green Belt boundaries to the north of Haxby and around ST9.

## **Conclusion**

### ***Compliance with the Test of Soundness***

- 3.29 In relation to the Green Belt boundaries around Haxby and, in particular, ST9 the Developer considers that the Plan has **been positively prepared**, as the proposed Green Belt boundaries are clear and recognisable and can be regarded as permanent and are therefore **consistent with national policy**. Equally, the land that the Council has included in the settlement boundary does not need to be kept permanently open and therefore the proposed Green Belt boundaries **are justified**.
- 3.30 For these reasons, the Developer is of the view that the Green Belt **will be effective**.