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# **Report on the Stoke Poges Neighbourhood Plan 2020 – 2042**

**An Examination undertaken for Buckinghamshire Council with the support of Stoke Poges Parish Council on the March 2024 submission version of the Plan.**

Independent Examiner: Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI

Date of Report: 3 March 2025

Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL

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## Main Findings - Executive Summary

From my examination of the Stoke Poges Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Stoke Poges Parish Council;
- the Plan has been prepared for an area properly designated – the Stoke Poges Neighbourhood Area – Plan A on Page 4 of the Plan;
- the Plan specifies the period to which it is to take effect – 2020 - 2042; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## 1. Introduction and Background

### Stoke Poges Neighbourhood Plan 2020 - 2042

- 1.1 Stoke Poges is an attractive village and civil parish in southeast Buckinghamshire, approximately 5 km to the north-northeast of Slough and about 3 km to the southeast of Farnham Common. The village itself is classed as a Secondary Settlement and has many listed buildings and several conservation areas. The rural area beyond the village forms part of the Metropolitan Green Belt. The area has an important network of footpaths that link Stoke Poges with the surrounding countryside and neighbouring villages.
- 1.2 The Parish Council sought designation of the whole of the parish as a neighbourhood area in an application to Buckinghamshire Council dated 21 December 2020. The application was approved under delegated powers two days later. Since that time, work on the preparation of the Plan has progressed under the auspices of a Steering Group assisted by external consultants. The resultant plan has an overarching vision, four objectives and 12 site-specific policies. In addition, there are site-specific Design Codes for six sites within the parish.

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## The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Stoke Poges Neighbourhood Plan by Buckinghamshire Council with the agreement of Stoke Poges Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

## The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the Plan meets the Basic Conditions.
  - Whether the Plan complies with provisions under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for "excluded development"; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

- 1.8 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the area;
  - be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
  - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>2</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Buckinghamshire Council, not including documents relating to excluded minerals and waste development, is the South Bucks Core Strategy together with policies from the South Bucks Local Plan saved from 2011. There is an emerging Local Plan in the form of the Buckinghamshire Local Plan, but this is at an early stage of its preparation.

<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. Unless otherwise stated, all references in this report are to the December 2023 NPPF and its accompanying PPG.<sup>3</sup>

### Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Stoke Poges Neighbourhood Plan 2020 - 2042, March 2024;
- a map which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement, undated;
- the Basic Conditions Statement, March 2024;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Stoke Poges Draft Neighbourhood Plan - Strategic Environmental Assessment and Habitats Regulations Assessment Screening, September 2022, prepared by Buckinghamshire Council;
- the Strategic Environmental Assessment (SEA) for the Stoke Poges Neighbourhood Plan Environmental Report, September 2023, prepared by AECOM; and
- the request for additional clarification sought in my letter dated 31 October 2024 and the responses from Stoke Poges Parish Council dated 21 November 2024 and from Buckinghamshire Council received on 13 January 2025.<sup>4</sup>

### Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 18 January 2025 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

### Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

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<sup>3</sup> A revised NPPF was published on 12 December 2024 which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the December 2024 NPPF advises that it will only apply to neighbourhood plans submitted after 12 March 2025.

<sup>4</sup> View the documents at:

<https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-policy/neighbourhood-planning/the-plans/>

## Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Stoke Poges Neighbourhood Plan has been prepared and submitted for examination by Stoke Poges Parish Council, which is a qualifying body for an area that was designated by Buckinghamshire Council on 23 December 2020.
- 3.2 It is the only Neighbourhood Plan for Stoke Poges Neighbourhood Area and does not relate to land outside the designated Neighbourhood Plan Area.

### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2020 to 2042.

### Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Parish Council's Consultation Statement. Following designation of the parish as a neighbourhood area on 23 December 2020, plan preparation was progressed by a Steering Group consisting of Parish Councillors and members of the public. Consultants were appointed to work alongside the councillors and residents in the preparation of a draft Plan.
- 3.5 Formal consultation on the draft Plan under Regulation 14 took place between 12 September 2023 and 6 October 2023. Details of the persons and bodies consulted, together with an explanation of how they were consulted, are set out in the Consultation Statement under the heading of the Pre-Submission Consultation Process. A summary of the main issues and concerns that were raised, and a description of how they were considered and addressed, is included within Appendix B of the Consultation Statement. This is supplemented by information provided to me in response to my questions.<sup>5</sup>

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<sup>5</sup> See response from Stoke Poges Parish Council dated 21 November 2024.

- 3.6 In response to the formal consultation under Regulation 16 (2 May 2024 to 20 June 2024), some 13 representations were received. In addition to those of Buckinghamshire Council, they included comments from statutory consultees and members of the public.
- 3.7 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

### Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

### Excluded Development

- 3.9 The Plan does not include provisions and policies for “excluded development”.<sup>6</sup>

### Human Rights

- 3.10 Stoke Poges Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 Through the Stoke Poges Draft Neighbourhood Plan – Strategic Environmental Assessment and Habitats Regulations Assessment Screening prepared by Buckinghamshire Council, the Plan was screened for both Strategic Environmental Assessment (SRA) and Habitats Regulations Assessment (HRA). With regard to HRA, this was not triggered. Although there are several European sites within 20 km of the area, significant environmental effects are unlikely. Natural England agreed with this conclusion.<sup>7</sup> From my independent assessment of the matter, I have no reason to disagree.
- 4.2 In terms of SEA, the screening statement concluded that SEA would be required. The reason was that the draft Plan included Design Codes for a number of sites. The extent of these Design Codes was not known at the time of the assessment. As a result, SEA was carried out by consultants AECOM. In the event, it was concluded that the Neighbourhood Plan

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<sup>6</sup> See section 61K of the 1990 Act.

<sup>7</sup> See email dated 16 September 2022 in Section 12 of the Screening Statement.



would not be likely to lead to any significant negative effects under any of the SEA topics which were the focus of the SEA. Having read the Environmental Report, I support this conclusion.

## Main Issues

4.3 Having regard for the Stoke Poges Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are five main issues relating to the Basic Conditions for this examination. These concern:

- Design Codes and Development Framework
- Energy Performance
- Shared Woodland Area
- Local Green Space
- Dark Skies

4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Stoke Poges Neighbourhood Plan should be seen in the context of the wider planning system. This includes the South Bucks Core Strategy as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>8</sup> Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Stoke Poges.

4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.

4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations, including those relating to the supporting text, do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.

4.7 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>9</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans

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<sup>8</sup> See NPPF Paragraph 16 f).

<sup>9</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

should be succinct and contain policies that are clearly written and unambiguous.<sup>10</sup> A decision maker should be able to apply them consistently and with confidence when determining planning applications. In addition, the policies should be supported by appropriate evidence.<sup>11</sup>

## Issue 1 – Design Codes and Development Framework

- 4.8 There are several policies in the Neighbourhood Plan that deal with Design Codes or a Development Framework. Policy SP1 and the related Design Codes in Appendix 1 concern sites at Rogers Lane, Thames House, West End Court, Bells Hill Green and Neville Close. Policy SP2 is a separate policy and code that addresses infill development at Deans Close. An area known as Sefton Park is the subject of Policy SP3 with a related Development Framework in Appendix 2. Parish wide matters come under the uncontentious Policy SP6 and the Design Code in Appendix D.
- 4.9 The Site-Specific Design Codes present development solutions for the respective sites. Under the Neighbourhood Plan, compliant proposals will be supported. However, there are concerns over the solutions put forward and whether there would be overriding policy or development management issues that would not necessarily be overcome by a scheme complying with all aspects of the codes.
- 4.10 On a preliminary matter, I note that Buckinghamshire Council is in favour of an approach based on allocation policies (notwithstanding the small size of the sites) rather than reference to Design Codes.<sup>12</sup> However, I am not aware of any evidence to indicate that the stance adopted by the Parish Council would fail to meet the Basic Conditions. In particular, there would be clarity over the development expectations and the circumstances under which the developments would be supported.
- 4.11 Starting with the site at Rogers Lane, Buckinghamshire Council has a number of detailed concerns. These include the loss of residential institutional use; storey height; biodiversity net-gain; amenity space; separation distances; impact on trees; and reduced parking standards. If any of these matters were of overriding importance, it is likely that a scheme complying with the Design Code would be unacceptable.
- 4.12 With regard to these concerns, I have reached the following conclusions:
- Whilst Buckinghamshire Council may support a net increase in specialist accommodation for older people, the Core Strategy does not preclude the loss of property in residential institutional use.
  - Although, in the local area, buildings of two stories in height may be predominant, I see no reason in principle why blocks 2.5 or 3 stories high would be unacceptable.

<sup>10</sup> NPPF, Paragraphs 15 and 16 d).

<sup>11</sup> PPG Reference ID: 41-041-20140306.

<sup>12</sup> See comments of Buckinghamshire Council received on 13 January 2025.

- On-site opportunities for biodiversity net-gain may be limited but, if triggered, I see no reason why provision in accordance with the Biodiversity Gain Hierarchy would not be possible.
- With regard to outdoor amenity space, I note that "Private Amenity" space is marked on the layout. In addition, the Context Analysis shows nearby Green Space (including recreation ground).
- Notwithstanding the proximity of the blocks illustrated in the code, it should be possible to avoid material overlooking through attention to the fenestration and the layout of the accommodation.
- The code recognises that the mature trees along the southern boundary are to be retained and protected.
- The site's central location and proximity to amenities suggest that a reduction in parking standards would be acceptable.

4.13 I conclude that it would be appropriate to support development that complies with the Design Code for the site at Rogers Lane.

4.14 Buckinghamshire Council has similar concerns in respect of the Thames House site. With regard to storey height; biodiversity net-gain; amenity space; separation distances; and reduced parking standards, my conclusions are as reached on the Rogers Lane site. However, of additional concern is loss of employment from this workshop site, employment being "protected" under Core Policy 10: Employment.

4.15 Core Policy 10 is directed at "important employment sites" although there is a general presumption that other employment sites (B Use Class) will also be retained in employment use. The Thames House site is described as a car repair shop with workshops behind. It occupies a site of 0.22 ha. In my opinion, loss of this small site would not amount to a failure for the Neighbourhood Plan as a whole to be in general conformity with the strategic policies of the Core Strategy. I find that it would be appropriate, through the up-to-date Neighbourhood Plan, to support development that complies with the Design Code for Thames House.

4.16 Turning to West End Court, concerns include the possible impact on existing trees through construction; visual amenity impact; the lack of opportunities for biodiversity net-gain; limitations on the provision of quality outdoor amenity space; and parking issues. For all but the parking issues, I can foresee acceptable solutions. However, the loss of existing garaging and the sufficiency of parking in relation to the new accommodation is a matter of overriding importance.

4.17 From what I saw on my site visit, I estimate that some 36 garages would be demolished to make way for the proposed development. Whilst parking is also available in open bays, the number of spaces available is

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nowhere near the number of existing flats. In addition, a fair amount of parking is taking place partly on existing footpaths. This suggests to me that the formal parking spaces are already at a premium. The situation would be made worse by the loss of existing garaging and, potentially, relaxation of the standards of provision in relation to the new development.

- 4.18 The text of the Design Code indicates that a large proportion of the parking provision is underutilised. That would not be my conclusion although notices posted by the management indicate that some garages are unlet. I also appreciate that there is space within the site where additional open parking could be provided. This may be a way forward, in the future, through a reasoned planning application. However, in relation to the Neighbourhood Plan, the current evidence does not suggest that the development at West End Court should gain support under Policy SP1. Proposed modification **PM1** refers.
- 4.19 Similar problems are apparent at Bells Hill Green. Whilst certain problems are capable of resolution (impact on trees through construction; provision for biodiversity net-gain and outdoor amenity), other matters affect the principle of development. First, there are parking issues. Secondly, proximity to adjacent properties would give rise to additional problems.
- 4.20 On the matter of parking, the development would involve the demolition of a block of 12 garages. These have the appearance of being in active use. This is in circumstances where I perceived local parking to be something of an issue.
- 4.21 At the time of my site visit, four cars were parked in the adjacent turning head; three cars along this short section of Bells Hill Green were either parked at the kerb or partly on the footway; and a further two cars were parked partly on the footways at the entrance to the access cul-de-sac. In common with the proposals for West End Court, the situation would be made worse by the loss of existing garaging and, potentially, relaxation of the standards of provision in relation to the new development.
- 4.22 With regard to proximity to adjacent properties, the site is overlooked to some extent on all sides. In Bunby Road to the west, two of the houses have full height roof extensions and are effectively three stories in height. The sponsored development is likely to appear overbearing and possibly give rise to loss of privacy notwithstanding the protection of trees along the common boundary.
- 4.23 All in all, I cannot conceive of a development in accordance with the Design Code that would not give rise to unacceptable problems. The ideas for Bells Hill Green should not be supported under Policy SP1. Reference in the policy to Bells Hill Green and in the Site-Specific Design Codes should be removed (proposed modification **PM2**).

- 4.24 The proposals for Neville Close are somewhat different. The site is a garage court with a total of nine garages. However, it shows all the signs of being abandoned. In addition, the houses in Neville Close, nearest to the site, have off-street parking. Further, I saw no on-street parking in this part of the close. In conclusion, I would not expect loss of the garages to result in any material inconvenience for residents nor to prejudice the free flow or safety of traffic.
- 4.25 With regard to other issues (overlooking; impact on trees; visual amenity impact; overdevelopment; biodiversity net-gain; and outdoor amenity space), I did not observe there to be any overriding problems. Whilst all are matters to be addressed at the planning application stage, I can conceive of acceptable solutions.
- 4.26 I conclude that development proposals for Neville Close, compliant with the related Design Code, should enjoy the support of Policy SP1.
- 4.27 Potential infill development at Deans Close in Wexham Street is the subject of a separate policy and Design Code (Policy SP2 and Appendix A). Wexham Street is an area that is washed over by Green Belt. The first question is whether a scheme of starter homes or 'downsizer dwellings' would be compliant with Green Belt policy.
- 4.28 In my view, the proposals would involve the complete redevelopment of previously developed land. With regard to openness, and bearing in mind the built-up nature of the site and the surrounding area, I can conceive of a scheme that would not cause substantial harm to the Green Belt. Whilst these are matters that will need to be judged in the context of a planning application, there is scope for development within the terms of Paragraph 154 g) of the National Planning Policy Framework 2024, development that would be 'not inappropriate'.<sup>13</sup>
- 4.29 Parking is again an issue given that proposals would involve the redevelopment of two blocks with a total of 25 lock-up garages in an area of fairly narrow roads and a lack of off-street parking. However, of the 25 garages, nine are boarded up and there was no evidence of the others being used. For example, there were no tyre tracks across the moss that has grown in front of the garages. I conclude that the loss of these garages would not give rise to material problems.
- 4.30 As with other sites, Buckinghamshire Council has raised additional concerns (impact on trees; visual amenity impact; overdevelopment; biodiversity net-gain; and outdoor amenity space). In this regard, I did not observe there to be any overriding problems. Whilst all are matters to be addressed at the planning application stage, I can conceive of

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<sup>13</sup> Whilst Stoke Poges Neighbourhood Plan is being examined under the terms of the December 2023 NPPF, any future planning applications will fall under the revised December 2024 NPPF.

acceptable solutions. No modification to Policy SP2 (or to the related Design Code) are needed.

- 4.31 With regard to Sefton Park (Policy SP3), and reading the proposals de novo, I find that the implications of the policy and the related Development Framework in Appendix B are not entirely clear. My understanding is that the provisions relate mainly to "Policy Area A". The Plan recognises that Areas B and C may have development potential; but, beyond alluding to possibilities, of importance is working towards achievement of the key objectives/framework principles. This understanding has led me to recommendations that simplify and clarify the policy.
- 4.32 Of initial concern is compliance or otherwise with Core Policy 10: Employment of the South Bucks Core Strategy. This states that important employment sites (that would include Sefton Park) will be retained in employment use (B Use Class). This is in circumstances where Policy SP3 would support alternative uses.
- 4.33 I recognise that Policy SP3 and the Development Framework, as proposed to be modified, would encourage uses such as residential development (including institutional uses) and health care. Such development would run contrary to the intentions of Core Policy 10. However, the policy does no more than recognise, and seek to exploit, the opportunities afforded under permitted development rights and Government policy. Bearing in mind the limitations in the scope of Policy SP3, I do not consider that the Neighbourhood Plan as a whole would fail to be in general conformity with the strategic policies of the Core Strategy.
- 4.34 Another important consideration is Green Belt policy, given that the whole of the site falls within the Green Belt. I recognise that certain proposals are likely to be 'not inappropriate' or 'permitted development'. However, others would be regarded as inappropriate development. Examples could include new build extensions or purpose-built residential blocks. In such cases, very special circumstances would need to be demonstrated. Notwithstanding the Parish Council's ambitions, the position needs to be made clear in the policy and in the Development Framework.
- 4.35 In the light of the above discussion, I am recommending modifications that address the matters identified below as well as other more focused points. To Policy SP3:
- In Clause A, simplified wording that covers only key matters.
  - In Clause B, and to avoid confusion with Sites B and C, reference to "Policy Area A" rather than "the site's".
  - In Clause C, reference to "development" as well as "conversion" and "redevelopment". Also, reference to national policy on conserving and

enhancing the historic environment given that, of the existing buildings, The Manor House is a Grade II listed building.

- In Clause C, use the phrase “where it accords with national policy on Green Belts” (national policy does not actually identify development “appropriate for a Green Belt location”). However, acceptable uses (to be described in the text) will still need to be compatible with the character and nature of the area.
- In Clause Ci, use of clearer wording.
- In Clause Cii, repeated reference to Green Belt policy in the light of the tension between such policy and the provisions of the Development Framework.
- In Clause Ciii, deleted reference to “the quality of jobs”.<sup>14</sup>
- In Clause D, focused amendments to clarify the provisions.

4.36 Amendments to the Development Framework are also necessary:

- In the Introduction, added reference to the constraint of Green Belt policy.
- Under “Development Framework”, when referring to new homes/ housing needs, qualification by reference to Green Belt policy.
- Under “Development Options”, qualification by reference to Green Belt policy.
- Appropriate qualifications under the “Summary” and the “Recommendations” headings.

4.37 Necessary amendments to Policy SP3 and to the Development Framework are addressed under proposed modification **PM3**.

## Issue 2 – Energy Performance

4.38 Turning to Policy SP5 (Addressing the Performance Gap), I note that Clause A includes the following sentence:

*All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the buildings will perform as predicted and will include a planning condition to require the provision of a Post Occupancy Evaluation Report to the Local Planning Authority within a specified period, unless exempted by Clause B.*

4.39 This text implies that it is the responsibility of the Local Planning Authority, through the *planning permission*, to ensure that buildings have been

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<sup>14</sup> See my questions and the Parish Council’s response dated 21 November 2024.

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tested appropriately. However, a building's performance will have to be demonstrated by the applicant through the planning application and any related condition. An alternative form of wording would be appropriate.

- 4.40 As to the vetting of the Post Occupancy Evaluation Report, this will be the responsibility of the Local Planning Authority advised, as appropriate, by competent persons. This is an important part of demonstrating sustainability. Whilst all the necessary expertise may not be available in-house at the present time, I would expect the Local Planning Authority to be able to source expertise on the occasions when this would be necessary.
- 4.41 Clause B of the policy covers buildings to be certified to a Passivhaus standard, or equivalent. In this regard, Paragraph 5.21 of the supporting text makes reference to matters that will be secured by condition. Such requirements should be included within the body of the policy.
- 4.42 Clause E of the policy states that all applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment. In this respect, "major development" should be defined.
- 4.43 The various necessary amendments to the policy are set out in proposed modification **PM4** including reference to major development as defined in the NPPF. For clarity, I have also proposed modification of the title of the policy so that it refers to *energy* performance.

### Issue 3 – Shared Woodland Area

- 4.44 A shared woodland area linking the communities of Stoke Poges and Farnham Common is the subject of Policy SP8. This has the title "Rural Resilience" although "Shared Woodland Area" would be clearer and more apt.
- 4.45 The second clause of the policy is in need of amendment. There is reference to the *broad location* of the area, to *its objective* and to *its completion*, all phrases that are lacking in clarity. Necessary changes are set out in proposed modification **PM5**.

### Issue 4 – Local Green Space

- 4.46 Policy SP10 designates six Local Green Spaces where development would only be supported in very special circumstances. This reflects the NPPF, paragraph 107<sup>15</sup>, whereby such policies should be consistent with Green Belt policy. However, the provision ignores the fact that development could be 'not inappropriate' and thereby a demonstration of very special circumstances would not be necessary.

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<sup>15</sup> This remains the case under paragraph 108, 2024 NPPF.



- 4.47 In addition, there is an expectation that any proposal must maintain the essential open character of the space. However, this expectation is not set out in the policy itself.
- 4.48 Although I am satisfied that the proposed Local Green Spaces meet the requirements set out in Paragraphs 105 and 106 of the NPPF, amendment of the policy is required as in proposed modification **PM6**.

#### Issue 5 – Dark Skies

- 4.49 Policy SP12 (Dark Skies) is repetitious and it is not succinct. In addition, permanent street lighting would not be supported irrespective of crime or safety issues or the role of the highway authority. Whilst the reasons for avoiding street lighting are appreciated, there is no evidence to suggest that other considerations should be ignored. Necessary amendments are set out in proposed modification **PM7**.

#### Other Policies

- 4.50 There remain a number of policies that have not been the subject of commentary in the above report. These concern Policy SP4 Housing Mix and Tenure, Policy SP6 Design Code – Parish Wide, Policy SP7 Local Heritage Assets, Policy SP9 Green Infrastructure and Policy SP11 Local Access Network.
- 4.51 To a greater or lesser extent, these topics are covered in NPPF Sections 5 (Delivering a sufficient supply of homes), 9 (Promoting sustainable transport), 12 (Achieving well-designed and beautiful places), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). I find that there has been regard for national policy and that the Basic Conditions have been met.

#### Other Matters

- 4.52 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other changes (that do not affect the Basic Conditions) could be made prior to the referendum at the Councils' discretion. These could include minor non-material amendments as suggested by Buckinghamshire Council, consequential amendments resulting from the policy modifications, corrections and up-dates.<sup>16</sup>

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<sup>16</sup> PPG Reference ID:41-106-20190509.

## 5. Conclusions

### Summary

- 5.1 The Stoke Poges Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Stoke Poges Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Stoke Poges over the coming years.

*Andrew S Freeman*

Examiner

## Appendix 1: Modifications

<b>Proposed modification number (PM)</b>	<b>Page no/ other reference</b>	<b>Modification</b>
PM1	Page 23 and Appendix A	In the Neighbourhood Plan (Policy SP1, the related Site-Specific Design Code and elsewhere), remove reference to development proposals on the site at West End Court.
PM2	Page 23 and Appendix A	In the Neighbourhood Plan (Policy SP1, the related Site-Specific Design Code and elsewhere), remove reference to development proposals on the sites at Bells Hill Green.
PM3	Page 25 and Appendix B	<p>Replace the text of Policy SP3 with that set out in Appendix 2 to this report.</p> <p>Amend the Sefton Park Development Framework as set out in Appendix 2 to this report.</p> <p>At the end of the explanatory text (Paragraph 5.14), add a new paragraph saying:</p> <p>“In conclusion, and within the constraints of Green Belt policy, there are opportunities to utilise the previously developed land at Policy Area A and to benefit from available permitted development rights. Acceptable uses for which express planning permission would be required would need to be compatible with the character and nature of the area. Other than office uses, housing proposals that meet the needs of Stoke Poges are preferred by the Parish Council. Additional possibilities include residential institutional uses and health care. Elsewhere, any acceptable proposals will need to recognise the key objectives for Sefton Park as will development within Policy Area A.”</p>

PM4	Page 29	<p>In the title of Policy SP5, insert “Energy” before “Performance”.</p> <p>Change Clause A so that it reads:</p> <p>“Other than for schemes falling within Clause B, those featuring new and refurbished buildings shall be subject to a planning condition requiring the provision of a Post Occupancy Evaluation Report to the Local Planning Authority within a specified period. The Report shall demonstrate that the buildings have been tested to ensure that they perform as predicted. Where the Report...”</p> <p>At the end of Clause B, add the following:</p> <p>“Proposals must be able to demonstrate that the Passivhaus standard or equivalent can be achieved. A condition will be imposed requiring, upon completion and before occupation, a Quality Approved Passivhaus certificate for each building.”</p> <p>In Clause E, after “major development”, add “(as defined in the Glossary of the NPPF 2024)”.</p> <p><i>The modification refers to the 2024 NPPF in the interests of maintaining currency.</i></p>
PM5	Page 33	<p>Change the title of Policy SP8 from “Rural Resistance” to “Shared Woodland Area”.</p> <p>Replace Clause B with the following text:</p> <p>“In respect of open space and connectivity, development proposals within or adjacent to the shared woodland area shall ensure that provision is aligned with the objectives of the shared woodland area as described in the text supporting this policy. Proposals that would lead to unnecessary loss of the shared woodland area or that would prejudice delivery of any of its benefits (see Plan L) will not be supported.”</p>

PM6	Page 41	<p>Substitute the following for Clause B of Policy SP10:</p> <p>“All proposals must maintain the essential open character of the space and be consistent with national Green Belt policy.”</p>
PM7	Page 52	<p>Replace Clause Ai of Policy SP12 with the following:</p> <p>“Demonstrate a justifiable need for the lighting.”</p> <p>Replace Clause B with the following:</p> <p>“Details of measures to prevent or minimise light pollution shall be submitted with planning applications. Where a development would potentially impact on light levels in the area, an appropriate lighting scheme will be secured by planning condition.”</p>

## Appendix 2: Sefton Park

### Policy SP3 – Sefton Park

- A. Under Policy SP3, the Neighbourhood Plan sets out policy relating to Sefton Park (including Policy Areas A, B and C) as shown on the Policies Map.
- B. In the short to mid-term, the continued use of the buildings within Policy Area A as offices is supported.
- C. In the medium to long term, and in respect of Policy Area A, the conversion of existing buildings and/or new development and/or redevelopment for uses compatible with the character and nature of the area will be supported where it accords with national policy on Green Belts and on conserving and enhancing the historic environment and:
  - i Any development proposals, whether comprehensive proposals or separate or phased proposals, shall address the key objectives set out in Clause D of this policy subject to consideration of viability and deliverability. The key objectives shall also be addressed in any proposals affecting Policy Areas B or C;
  - ii The proposals have regard to the Development Framework attached as Appendix D and to relevant provisions of the Development Plan and national policy including Green Belt policy; and
  - iii As appropriate, the proposals demonstrate that either there will be an increase in employment or that the employment use is no longer viable.
- D. Sefton Park key objectives:
  - i Retain the existing offices in the short to mid-term;
  - ii Deliver, either in phases in a coordinated manner or comprehensively, uses that support the function of the local centre, subject to market demand and deliverability;
  - iii Seek to create an active frontage to Bells Hill and so integrate Sefton Park with the local centre;
  - iv For any housing proposals, seek to meet the housing needs of Stoke Poges; and
  - v In any comprehensive development, seek to improve east-west pedestrian and cycle connectivity between Bells Hill and School Lane, subject to feasibility and deliverability.

## Development Framework – Sefton Park

In the second paragraph of the Introduction to the Development Framework (Appendix B), replace “and whilst it is within the Green Belt”, with “Subject to Green Belt policy or permitted development rights,”.

In the third paragraph of the Introduction, delete “therefore”.

In the opening paragraph under the heading “Development Framework”, change the end of the sentence so that it reads “and, where appropriate, provide new homes for the parish.”

Under the heading Development Options, introduce a new first paragraph saying, “Development options will be subject to Green Belt policy.”

In the second paragraph under the heading Development Options, delete “built development on”.

In the Summary heading, introduce a new first bullet point: “All proposals will be subject to Green Belt policy.”

Under the Recommendations heading, bullet point 3, fourth key principle, insert “relevant” before “proposals”.