

CHAIN BRIDGE FARM, MOUNTNESSING

BRENTWOOD LOCAL PLAN – REPRESENTATIONS OCTOBER 2013

The following representations have been prepared on behalf of Mr Roy Farrugia, the owner of Chain Bridge Farm, Roman Road, Mountnessing. Mr Farrugia seeks to comment on the draft Local Plan, in order to reflect guidance set out in the National Planning Policy Framework, and in order to ensure that the change of use of the property from a business unit to residential is considered in the light of the NPPF and the local plan reflects the NPPF policies regarding rural diversification.

Policy S1: Spatial Strategy

We generally support the Council's preferred spatial strategy, which seeks to focus the majority of new development within the existing urban areas of Brentwood and Shenfield, together with a new strategic allocation at West Horndon and the redevelopment of suitable sites in the Green Belt.

Whilst we acknowledge the difficult balancing act that the Council has to perform, in preparing a Local Plan that fulfils the economic, social and environmental roles ascribed to the planning system by the National Planning Policy Framework (paragraph 7), we note that the overriding priority given to protecting the Green Belt means that the Council has chosen not to plan for 'objectively assessed housing needs', as is required by paragraphs 17, 47 and 182 of the NPPF.

As such, the Borough Council may find it difficult to convince an Inspector, at the forthcoming Examination, that the Plan is 'sound'. It is also noted that the failure to make provision for full housing need is inconsistent with the Plan's Vision, Strategic Objective SO8 and the Council's Corporate Plan, which commits the Council to broadening, **"the range of housing in the Borough to meet the needs of our population now and in the future ..."**. The 'population's' need for housing will not be fully met as the Plan does not identify sufficient land.

It is our view that the Plan would be more robust if the Council could find additional housing sites, consistent with the Spatial Strategy set out in the policy and if it, also, undertook a limited review of the Green Belt, in order to remove that land which clearly serves no Green Belt function (as defined in paragraph 80 of the NPPF).

Policy S2: Amount and Distribution of Residential Development 2015-2030

We again note that the Borough Council has decided to place greater emphasis on the need to protect the Green Belt, than the need to provide for 'full objectively assessed housing needs'. As a result, the policy makes provision for 3,500 new dwellings (at an annual average build rate of 200 new dwellings), as against an 'interim' objectively assessed need of 4,962 to 5,600 dwellings (331 to 373 homes a year).

The fact that the Council has decided to plan for a figure well below 'objectively assessed housing need' makes it all the more important that it maximises the potential of land/sites, which is/are consistent with its preferred growth option and the spatial strategy as expressed in Policy S1 and that it undertakes a limited review of Green Belt boundaries.

Policy CP1: Sustainable Development

We generally support this policy, which is reflective of relevant guidance set out in the NPPF. We are, however, of the opinion that it will take a 'sea change' in the culture of the planning department, and an injection of significant additional resources (particularly in terms of manpower), if it is to deliver the commitment to, **“work proactively with applicants jointly to find solutions ...”**, so that, **“... proposals can be approved wherever possible ...”**.

Policy DM1: General Development Criteria

As currently worded, this policy is unacceptable in that, on a literal interpretation, any development proposal that has an adverse impact on matters such as visual amenity, the character or appearance of the surrounding area, highway conditions or highway safety, health, environment or amenity etc. would have to be refused planning permission.

There are very few forms of development that do not have some form of adverse impact, whatever benefits they may bring, on some interest of acknowledged planning importance. Good planning is all about weighing the benefits to be derived from a proposal, against the dis-benefits, so that a balanced decision can be made.

The policy needs to be reworded to reflect this and the words **‘no significant unacceptable impact’** (or similar words to that effect) need to be added to each of the criteria. As an example, criterion a should be reworded to read:-

Have no significant unacceptable adverse effect on visual amenity or the character or appearance of the surrounding area.

The penultimate paragraph also needs to be reworded in order to reflect the presumption in favour of sustainable development (as set out in the NPPF) and the commitment set out by the Council in Policy CP1 to, **“always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible”**. An alternative form of wording could be:-

Where the Council considers the need for the development, or the benefits to be derived from a development, outweigh any harm caused, it will seek to negotiate suitable compensatory measures.”

The final paragraph of the policy must be omitted in its entirety. The Town & Country Planning Environmental Impact Assessment Regulations sets out when an Environmental Statement will be required. The Council cannot circumvent European and national policy and guidance and set its own criteria when for when an Environmental Statement will be needed. This part of the policy is unsound, legally flawed, and will lead to many judicial reviews and appeals.

Policy DM16: Reuse and Residential Conversions of Rural Buildings

This policy must be reviewed in order to ensure that it is consistent with NPPF guidance (paragraph 90). The only tests set out in the NPPF, in relation to the reuse of existing buildings in the Green Belt, are that: -

- the proposal should preserve openness; and that,
- the building should be of permanent and substantial construction.

All other criteria should be omitted from the policy for, the matters covered, are either out with NPPF guidance or are covered by other policies in the plan (i.e. Policy DM1).

In particular, the requirement to first demonstrate, where a residential conversion is proposed, that every reasonable effort has first been made to secure a suitable business or commercial reuse, is entirely inconsistent with both NPPF policy and also the significant shortfall in land required to meet 'objectively assessed housing needs'. A residential conversion, of an existing rural building, can make a small, but valuable, contribution to meeting 'objectively assessed housing needs' and, accordingly, the policy should set out at preference for residential conversion before commercial (because of the size of the residential land shortfall).