



Our Ref: NJP/se/7774

2 October 2013

Planning Policy Team  
Brentwood Borough Council  
Town Hall  
Brentwood  
Essex  
CM15 8AY

By email only Planning.policy@brentwood.gov.uk
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Dear Sirs

**Land at Moat Farm, 48 Crow Green Road, Pilgrims Hatch, Brentwood, CM15 9RA**

We are instructed on behalf of the landowner to provide comment on the Brentwood Local Plan Preferred Options for consultation.

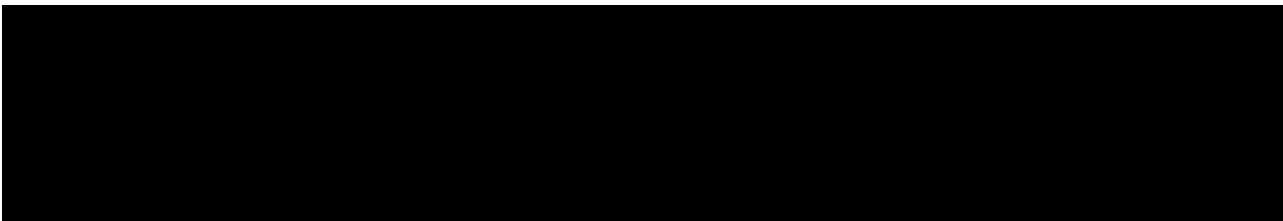
These representations draw upon our many years experience of operating within the planning system, not just in Brentwood but throughout England and Wales. The majority of the points that we raise highlight potential inconsistencies with guidance set out in the National Planning Policy Framework (NPPF). They are intended to assist the Council to prepare a plan that will be found to 'legally compliant' and 'sound' at the examination stage.

**Policy S1: Spatial Strategy**

JTS generally supports 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 NPPF (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, we consider that 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, with Strategic Objective SO8 and with the Council's Corporate Plan, which commits it 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.

It is apparent to us that the Council has not allocated sufficient housing land. Not all of the sites that have been identified as housing land allocation major sites under Policy DM23 will necessarily come forward and some of those sites are in more remote locations outside the defined main settlements.

We endorse the Local Authority recognition of some sites which have been shown as potential alternative allocations which are defined as currently in other uses which could be considered suitable for residential use in addition to or instead of sites set out in Policy DM23 where those sites fall within the main urban settlement of Brentwood or are on the periphery of the urban centre. However it is only those sites that are likely to be released from their current use that should be listed. It is also highlighted that even if all such land was made available it would still not deliver the objectively assessed housing need.

### **Land at Moat Farm**

The identified land shown on an Ordnance Survey extract attached at **Appendix A** are two small field parcels on each side of the entrance to Moat Farm. Moat Farm buildings to the north enclose the two field parcels while the defined settlement boundary and residential dwellings of Pilgrims Close abut the west boundary. The southeast boundary of the two parcels is defined by Crow Green Road itself and residential development fronting onto the road to the south and east.

In summary the allocation of these small parcels is 'logical rounding off' with no appreciable impact on the purposes of maintaining the green belt in this location. It would be a sensible release where the Local Authority are unable to achieve its housing requirements without greater release of green belt land.

### **Other Development Management Policies in Relation to The Green Belt**

We refer below to policies DM11-DM14 and provide our comments are below:

#### **Policy DM11: New Developments in the Green Belt**

We generally support this objectives underlying this policy but consider that it needs substantial amendment in order to bring it into line with relevant NPPF guidance.

Section 9 of the NPPF sets out, in detail, what may be appropriate development in the Green Belt. Local Plan policies cannot, and should not, seek to change these definitions.

In particular, the third paragraph of the policy is inconsistent with paragraph 89 of the NPPF, which provides that the following categories of development may be appropriate development in the Green Belt: -

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; and
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have not a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Furthermore, paragraph 90 of the NPPF also provides that the following additional categories of development may be appropriate, provided that they preserve the Green Belt's openness:-

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate the requirement for a Green Belt location;
- the reuse of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a community right to build order.

The Council needs to review Policy DM11 in order to make sure it is consistent with the NPPF definitions of appropriate development. As the policy currently stands, there is a conflict and it is unsound.

Furthermore, the test used to judge impact on 'openness' should be that set out in the NPPF (i.e. 'preserve openness') and the policy should be amended where a different form of wording is used.

### **Policy DM12: Established Areas of Development**

JTS generally supports this policy, which is consistent with some of the categories of development identified in paragraph 89 of the NPPF as potentially being appropriate in the Green Belt.

We consider that the policy introduces, in accordance with NPPF guidance, a degree of flexibility and will allow genuine in-fill plots, which, although currently located in the Green Belt, in practice, serve no Green Belt function, to be brought forward for development. However, we are of the view that there are many more 'relevant frontages', than are

currently listed in the policy, to which it should apply. Accordingly, the Council should review the frontages to which the policy applies.

### **Policy DM13: Extensions to Dwellings in the Green Belt**

This policy needs to be substantially reviewed as it is inconsistent with NPPF guidance and, accordingly, is unsound.

Paragraph 89 of the NPPF makes it clear that the following classes of development may be appropriate in the Green Belt: -

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The way that the policy is currently worded, suggests that the Council will only grant permission for residential extensions in the Green Belt in 'very special circumstances'. Clearly, however, 'very special circumstances' do not need to be proven for appropriate development – i.e. an extension or alteration to a residential building that does not result in a disproportionate addition.

The policy must be reworded to reflect NPPF guidance and to state that permission will be granted for extensions and alterations to existing dwellings, which are not disproportionate, when considered with respect to the size of the original building.

It is only if an extension is found to be disproportionate, would it then be necessary to consider whether there are 'very special circumstances' which justify the grant of permission.

The policy should also be deleted to remove both criteria (a) and (b). The NPPF does not differentiate between a building purposely constructed as a dwelling and one which has been converted to a dwelling.

Most importantly, the NPPF requires that the Council considers each case on its merits – i.e. it must consider, in each case, whether a proposed extension is disproportionate. A blanket 35% upper limit will not allow this – it is not in the interests of good planning – and is, accordingly, unsound. Chelmsford Borough Council recently proposed a similar limit in its Focused Review of its Core Strategy but dropped it before the Examination on the grounds that it was unsound.

### **Policy DM14: Replacement Dwellings in the Green Belt**

For similar reasons relating to Policy DM13 (see above), this policy is unsound and needs to be reviewed in order to bring it into line with the National Planning Policy Framework.

Finally we make comment with respect to Policy DM16 in relation to reuse and residential conversions of rural buildings

### **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: -

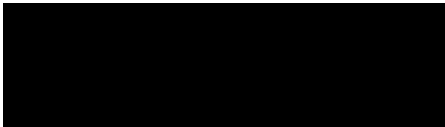
- the proposal should preserve openness; and that,
- the building should be of permanent and substantial construction.

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

In particular, the requirement to 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).

We look forward to receiving acknowledgement of these formal representations in due course.

Yours faithfully



**Nicholas J Pryor BSc (Est Man) MRICS**  
**For THE JTS PARTNERSHIP LLP**

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