



# Phase 2

## Planning Statement

(Including Statement of Community Involvement, Affordable Housing Statement and S106  
Heads of Terms)

Construction 173 new dwellings including Public Open Space, Landscaping, Access, Drainage,  
Parking, Servicing, Utilities and all associated Infrastructure and ancillary Buildings.

Land at Brook Farm, Daws Heath Road, Daws Heath, Essex

On behalf of  
**Countryside Partnerships (Eastern Home Counties)**

**May 2022**

Our ref: C14058

**Phase 2** PLANNING & DEVELOPMENT LIMITED

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## Quality Assurance

**Site Name:** Land at Brook Farm, Daws Heath Road, Daws Heath, Essex

**Client Name:** Countryside Partnerships (Eastern Home Counties)

**Type of Report:** Planning Statement

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## Executive Summary

1. This application relates to land on the south-east side of Daws Heath, and comprises the development of 173 new homes, alongside open space and associated landscaping and infrastructure.
2. Over the past decade, the site the subject of this application has been consistently included in Castle Point's new draft Local Plan as a site for residential development, having been shown as a residential allocation in the 2014, 2016 and 2019 versions of the draft Plan.
3. Although the Inspector appointed to examine the new Local Plan has found the document to be Sound, the Council has recently voted not to proceed to adoption. Therefore, although the site comprises a residential allocation within a Local Plan that has reached a very advanced stage of preparation, it remains within the Green Belt.
4. In accordance with s38(6) of the Planning Act, the starting point for the determination of any planning application is the adopted Local Plan. In this case, the adopted Plan is the 1998 Local Plan, however this is now substantially out-of-date. Moreover, the two most relevant policies in the adopted Plan that would have been relevant to the consideration of this application, being Policy H1 in relation to housing development and Policy GB1 in relation to Green Belt protection, expired in 2007. As we explain in this Statement, when the application is assessed against the remaining, unexpired policies in the adopted Local Plan, it is compliant. Therefore, the starting point in terms of s38(6) is a proposal that complies with the adopted Local Plan.
5. The new draft Local Plan, although not adopted, has been through the process of Examination and has been found to be Sound. It is therefore a document to which substantial weight can be attached. The application scheme has been designed to accord with the site-specific policy for the application site, Policy HO14, and also to comply with the various new Development Management Policies, including the higher 40% level of affordable housing that the new Local Plan is seeking. The compliance with the new Local Plan is a material consideration that further weighs strongly in favour of the grant of planning permission.
6. Although Policy GB1 of the old Local Plan no longer exists, the site is still within the Green Belt, and therefore in accordance with national planning policy, it is necessary for 'very special circumstances' to exist in order for planning permission to be granted. As set out in this Statement, in this case, the various substantive social, economic and environmental benefits that the development will deliver, coupled with the unique circumstances of Castle Point's Local Plan position and the critical shortfall in delivery of both market and affordable housing, combine to create the necessary 'very special circumstances' to justify the grant of planning permission.

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7. The proposed development therefore accords with the adopted Plan, accords with new Local Plan, meets the national test for development in the Green Belt, and overall provides a high-quality scheme that will deliver significant benefits against all of the Government's objectives for sustainable development. It is therefore submitted that planning permission should be granted.

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## 1. Introduction

1.1 This Planning Statement has been prepared by Phase 2 Planning and Development Ltd on behalf of Countryside Partnerships (Eastern Home Counties) hereafter referred to as the applicant, in support of a full planning application seeking the construction of new major residential development and associated open space and infrastructure, including access from Daws Heath Road, at Brook Farm, Daws Heath Road, Daws Heath, Essex.

1.2 The formal description of development is as follows:

***Construction 173 new dwellings including Public Open Space, Landscaping, Access, Drainage, Parking, Servicing, Utilities and all associated Infrastructure and ancillary Buildings.***

### Purpose and Structure of this Report

1.3 The purpose of this report is to draw together the main planning issues in the consideration of this proposal.

### Planning Application Documents

1.4 A schedule of plans and documentation submitted as part of this application is set out in a schedule which has been attached to the Application Cover Letter.

1.5 In brief, the application documentation comprises:

- A suite of detailed application plans, including the site layout and plans for each building type;
- Illustrative application material, which provides a representation of the proposed development, but where the information is indicative and not for approval;
- Relevant technical and environmental reports, which relate to a variety of relevant topics, and which explains the impacts of the development (and if necessary, how the impacts can be mitigated through appropriate planning conditions or obligations).

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## 2. Site and Surroundings

- 2.1 The area of land subject to this planning application relates to land at Brook Farm, Daws Heath Road, Daws Heath, Essex. The extent of the application site is as shown by the land edged red on the Site Location Plan submitted in support of this application.
- 2.2 The application site itself is located on land between Hadleigh town to the south and Daws Heath to the north and is accessed via Daws Heath Road to the west of the site which also links these 2 areas.
- 2.3 The site itself is largely of an undeveloped nature encompassing a number of existing field parcels and associated hedgerows extending east away from Daws Heath Road. Brook Farm which includes a number of existing buildings, Brook Farm stables and some caravans is included within the application site to the south-west close to the site's access to Daws Heath Road.
- 2.4 Existing residential development bounds the site to the north (Fairmead Avenue & Haresland Court) with residential development also located further south beyond a further area of green space outside of the application site. This includes a small number of existing properties served of Daws Heath Road and further south in Southfields Drive and Southfields Close.
- 2.5 The application site is designated as being within the Metropolitan Green Belt.

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### 3. The Proposed Development

3.1 This planning application seeks full planning permission for the construction of 173 residential properties with associated open space and infrastructure, with vehicular access from Daws Heath Road.

3.2 The formal description of development as per the submitted application form reads as follows:

***Construction 173 new dwellings including Public Open Space, Landscaping, Access, Drainage, Parking, Servicing, Utilities and all associated Infrastructure and ancillary Buildings.***

3.3 The paragraphs below describe the various components of the scheme as proposed in more detail. We also include a short section at the end relating to the construction stage.

#### The residential development

3.4 The application provides for 173 residential properties. As discussed further in Section 6 of the Statement, the Council has recently failed the Government's Housing Delivery Test, which measures housing completions against target over the past three years, and in fact the Council has been failing to provide a sufficient supply of new homes for the past two decades.

3.5 It is proposed that 40% of the new homes would be affordable housing, with a mix of affordable rent and affordable home ownership tenures. There has been a chronic shortfall in the supply of affordable housing (see Section 6), and therefore the provision of 69 affordable units, designed to meet the requirements of those local residents most in need of assistance in finding appropriate accommodation, is a major benefit of the scheme.

3.6 The 104 market units will make a significant impact in terms of meeting wider housing needs in the area, with a variety of house sizes and types. All properties are designed to meet national space standards, and to achieve a high standard of energy efficiency.

3.7 The Council's Strategic Housing Market Assessment update of 2017 identified that the greatest need for additional housing was for 3 bed homes, followed by 4+ and 2 bed homes, with a more limited number of 1 beds. The proposed housing mix closely follows the SHMA, with over 40% 3 bed units, just under 30% larger units, over 20% 2 beds units, and under 10% 1 bed units. The proposed development has therefore been carefully designed to reflect local housing need.

3.8 The Council's Strategic Housing Market Assessment identifies a growing need to provide accommodation for older people. The mix of housing includes 57 properties (approximately one third) designed to meet the additional accessibility standard under M4(2) of the Building



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Regulations, and 7 bungalows that would be designed to the wheelchair accessibility standard M4(3). The proposals therefore contain a mix of housing that is specifically designed to meet the needs of elderly or disabled people, or which are suitable for adaptation to better meet the needs of elderly or disabled people.

### **Vehicular Access**

- 3.9 Vehicular access to the site will be taken from Daws Heath Road, via a modification to the existing junction with the old alignment of Daws Heath Road.
- 3.10 The site access has been the subject of prior consultation and agreement with Essex County Council as Highway Authority, and includes facilities for pedestrians and cyclists.

### **Non-Vehicular Access**

- 3.11 As noted above, the main site access has been designed to include access for pedestrians and cyclists. The scheme also includes a central cycle/pedestrian route that links through the site and would connect to Bramble Road, so that cyclists and pedestrians have easy and safe access all the way through the site.
- 3.12 The substantial area of open space on the eastern side of the site would provide further opportunities for walking and cycling for recreational purposes.
- 3.13 The eastern area of open space will also be able to facilitate use by horse-riders, for recreational equestrian use.

### **Open Space Proposals**

- 3.14 The Landscape and Open Space Strategy plan illustrates the proposed uses of the substantial (circa 10ha) of open space that is proposed to be provided on the southern and eastern parts of the application site.
- 3.15 The proposals include formal areas for recreation and play in the form of designated paths and an equipped area for play, as well as substantial land set aside for informal recreation, including areas of orchard and meadow.
- 3.16 The quantum of open space provided far exceeds local standards for open space provision, and offers a significant benefit both for residents of the new houses and existing residents to access high quality open space for leisure and recreation, in accordance with government objectives both for the encouragement of healthy lifestyles, and for the beneficial use of Green Belt land for public access.

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### Ecological Enhancement Proposals

- 3.17 The substantial areas of 'green infrastructure' that are embedded within the design also enables the proposed development to make a positive contribution to the creation of new habitats to support local wildlife.
- 3.18 The site is located in close proximity to Pound Wood to the north, and Great Wood/Dodds Grove to the south, and the landscape strategy includes for substantive new native tree planting to help maintain and enhance ecological linkages between these important areas of ancient woodland. The proposals also include the creation of significant new meadow and wildflower planting areas, alongside orchards and wetland areas, to create a diverse range of habitats to further support a net gain in biodiversity.

### Foul and Surface Water Drainage

- 3.19 In order to manage surface water run-off, the proposed development includes a sustainable urban drainage system that ensures surface water is managed on-site, stored in a series of attenuation areas, that ensures that the rate at which water enters the Prittle Brook after the development is completed is no greater than the existing situation. This network ensures that there is no increased risk of downstream flooding, whilst also creating a series of wetland areas that are beneficial to wildlife.
- 3.20 Foul water from the new properties will discharge into the existing Anglian Water mains system. Anglian Water has confirmed that it has sufficient capacity to accommodate the flows within their network.

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## 4. Statement of Community Involvement

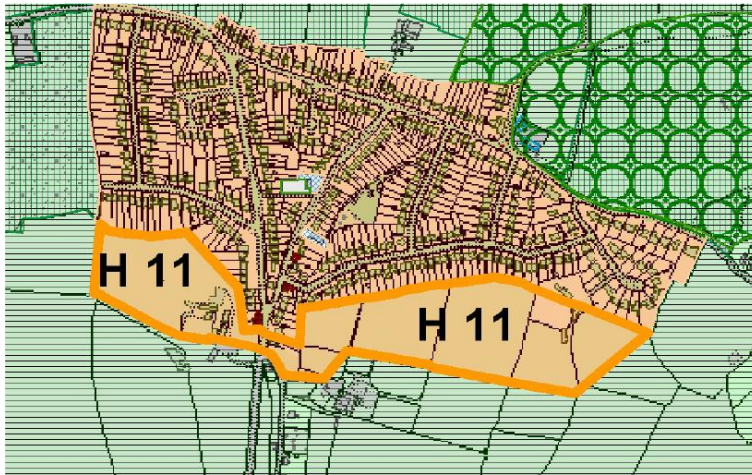
- 4.1 The application site and its future development to assist in meeting much-needed new housing in the borough has undergone extensive public consultation as part of the Council's production and evolution of its draft new Local Plan.
- 4.2 This has included the site being promoted by the applicant and included as draft allocation HO14 by the Council for future residential development and retained as such through Examination in Public (EiP) run by the Secretary of State (SoS). It is important to highlight that the Local Plan Inspector concluded the draft new Local Plan to be sound including the delivery of Brook Farm for up to 173 new dwellings as part of its future growth strategy to meet a chronic lack of local housing supply.
- 4.3 The applicant has also undertaken their own community engagement on the site's development during this emerging Local Plan process.
- 4.4 In addition to the above the applicant has regularly engaged with both officers and Members on the delivery of the site including most recently with officers specifically under Council pre-app ref: 22/0284/MAJPRE in March and April 2022.

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## 5. Planning Policy Background

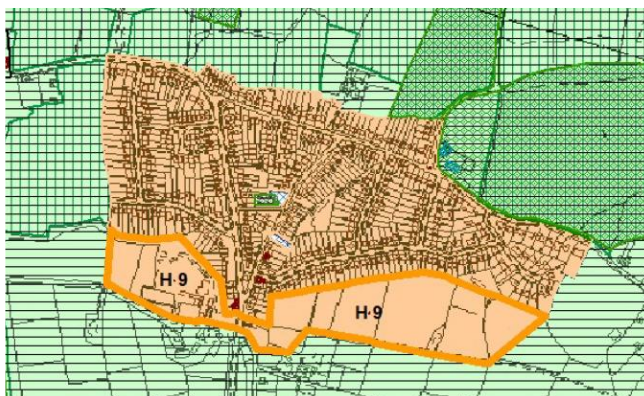
### Recent history of Development Plan preparation in Castle Point

- 5.1 The adopted local Development Plan in Castle Point is the 1998 Local Plan.
- 5.2 Like many other Local Plans that were adopted before the introduction of the Planning and Compulsory Purchase Act 2004, the reason why this Local Plan is still in existence at all is because the Secretary of State issued a 'saving' Direction under the 2004 Act to enable certain policies of such 'old style' Plans to carry on being afforded weight.
- 5.3 However, as we discuss further in the relevant section below, the 'saving' Direction issued in 2007 did not extend to cover the policies in the 1998 Plan that related to the provision of housing, or the protection of the Green Belt, and therefore whilst certain policies of the 1998 Local Plan are still technically in operation, the key policies dealing with housing and the Green Belt expired on 27th September 2007.
- 5.4 In 2014, the Council produced and consulted upon a document called the Draft New Local Plan. The Draft New Local Plan contained a strategy for meeting housing need over the period 2011-2031, and explained that the Council's objectively assessed need for housing was 400 homes per annum (8,000 in total over the Plan period).
- 5.5 The Draft New Local Plan went on to explain that since 2011, only 125 new homes had been built, and capacity existed for some 1,840 within the urban area, much lower than the required number. The Draft New Local Plan therefore allocated a number of new development sites within the Green Belt, with a capacity of some 2,200 new homes. Although the resultant total capacity of some 200 homes per annum (4,000 over the Plan period) was still below locally arising housing need, the Council considered that this represented the effective capacity of the district.
- 5.6 The sites proposed for housing as part of the 2014 Draft New Local Plan were very similar to those contained in the current Draft Local Plan. In particular, the application site was included as proposed housing site H11, as per the extract from the draft Policies Map below (the area of H11 to the west of Daws Heath Road known as Solby Wood Farm has subsequently been granted consent and has been built out).



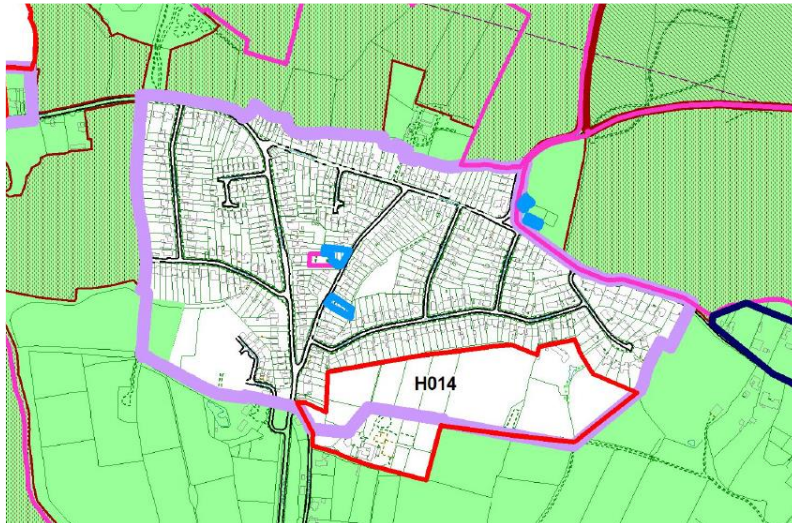
*Extract from 2014 Draft New Local Plan Policies Map.*

- 5.7 However, towards the end of 2015, the Council's Local Plan Task and Finish Group decided to amend the Local Plan to remove the majority of the housing allocations, a decision that was subsequently ratified by the Council in early 2016. The rationale for the motions and decisions made at that time was to prioritise the protection of the Green Belt over meeting housing need.
- 5.8 When the Council published its 2016 New Local Plan (Pre-Submission Draft), the majority of the previously proposed Green Belt allocation were deleted from the Policies Map. The 2016 New Local Plan identified the same figure in terms of overall housing need (400 per annum and 8,000 in total over the period 2011-2031), but acknowledged that by 2016, just 372 homes had been built in total since 2011, and the same figure for urban capacity of 1,840 new homes was given. Although the 2016 New Local Plan removed almost every single Green Belt allocation, it retained two of the sites previously proposed in the 2014 version, one of which was a site at The Chase in Thundersley that had already been identified and partly built out following being identified in the 1998 adopted Local Plan as a future housing site, and the other being the application site.



*Extract from 2016 New Local Plan Policies Map.*

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- 5.9 The 2016 Pre-Submission New Local Plan was submitted to the Planning Inspectorate for Examination, but during the preliminary Hearing sessions the Inspector advised that the Council that it had failed the Duty to Co-Operate with particular reference as to how Castle Point Borough Council's unmet housing need would be addressed across the Housing Market Area. The Inspector recommended that the Plan be withdrawn and in March 2017 Castle Point Council formally withdrew the Plan.
- 5.10 The Council revised its Local Development Scheme in 2017, which envisaged an initial consultation on a new Plan in the 1st Quarter of 2018, submission in April 2019, and adoption in December 2019.
- 5.11 In March 2018, the Council received correspondence from the Secretary of State notifying the Council that it had failed to make progress on its Local Plan in accordance with its revised LDS, but more generally noting that:
- "There has been a consistent failure to produce a Local Plan since the last Plan was adopted in 1998. The Council has failed to meet milestones in published Local Development Schemes at least five times since 2004 and two failures to take a plan through examination."*
- 5.12 The Secretary of State also noted:
- "In terms of the intervention criteria, Castle Point appears to have failed to make progress on plan-making, the policies do not appear to be up to date and there is high housing pressure."*
- 5.13 The formal intervention process commenced, but the Council did manage to produce a Pre-Submission Draft Local Plan in 2019, and this was the subject of Examination in 2021. The 2019 Draft Local Plan noted that under the housing standard methodology, the Council's housing need equated to 342 new homes per annum, or 5,130 homes over a Plan period of 2018-2033. The new Plan noted that the expected provision was 5,284 new homes, of which around half are made up of strategic allocations outside the urban areas i.e. primarily Green Belt sites.
- 5.14 The Inspector's report of 3rd March 2022 concluded that the New Local Plan was, subject to Modifications, a Sound Local Plan, and could therefore proceed to adoption.
- 5.15 As with both the 2014 and 2016 drafts, the new 'sound' Local Plan includes the application site as a new housing allocation, as per the extract below.



*Extract from 2019 Local Plan Policies Map.*

- 5.16 However, on 23rd March 2022, the Council voted not to proceed with the adoption of the Plan, with a view instead to considering a new Local Plan that would give priority to protecting the Green Belt over meeting local housing need.
- 5.17 In summary therefore, Castle Point has been without a proper planning strategy since 2007, when the Secretary of State declined to save the policies of the adopted Local Plan that dealt with housing and the Green Belt.
- 5.18 In the 15 years that have followed, Castle Point have produced three draft Local Plans, all of which have sought to allocate the application site for residential development.
- 5.19 During those 15 years, Castle Point have twice taken draft Plans through to Examination – the Council’s previous attempt ended in failure in 2017 because the Plan at that time, which had sought to prioritise the Green Belt over housing, failed the Duty to Co-Operate because of this.
- 5.20 The Council’s second attempt has resulted in a successful outcome, with the new Plan found to be Sound. But the Council has voted not to adopt it, apparently with a view to reverting to a Plan similar to the one that failed in 2017.
- 5.21 The “persistent failure” that the Secretary of State referred to in the 2017 correspondence on intervention remains.

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5.22 Notwithstanding the Council's inability to bring forward a Local Plan to adoption, the history of Local Plan making over the past 15 years does show:

1. That it is not possible to meet the Council's local housing need/housing target under the standard methodology without a significant element of Green Belt development; and
2. That at every stage of the Plan making process over the past decade, the Council has supported the allocation of the application site for residential development.



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## 6. Housing Supply in Castle Point

### Current 5-Year Housing land Supply

- 6.1 The Adopted Local Plan only extended to 2001 in terms of the housing supply position and consequently there is no current target in an adopted plan for housing delivery in Castle Point.
- 6.2 The new Draft Local Plan requires 342 homes per annum to be delivered, based on the standard methodology prescribed in the NPPF as calculated in 2018. However, since this calculation the affordability ratio, which forms a component of the standard methodology has changed in the borough. This has resulted in the standard methodology calculation increasing to 355 homes per annum.
- 6.3 Guidance set out by the Government in the Housing Delivery Test Measurement Rule Book indicates that in the absence of an up-to-date target in an adopted Local Plan, such as in Castle Point's case, the standard methodology figure should be used for current housing need calculations.
- 6.4 With reference to the 2020/2021 monitoring guide target only 166 of the required 355 new homes were delivered in the borough during this period representing approximately 47% of the required provision.
- 6.5 In addition, the Council's Annual Monitoring Report (AMR) (1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021) confirms that:
- 'During the period 2018 to 2021, 437 homes (net) have been delivered in Castle Point. This is just 48% of the total homes that should have been delivered in the Borough during that period. In accordance with the Housing Delivery Test set out in the NPPF, the Council should be taking measures to improve housing delivery against this outcome. A Housing Delivery Action Plan has been prepared to establish what these actions are. For Castle Point, the progression of a Local Plan to adoption is a critical component of that action plan.'*
- 6.6 Clearly Members decision to not adopt the new Local Plan despite the Inspector finding it sound has a critical impact on addressing the chronic and persistent shortfall in housing delivery in the borough. This circumstance and its wider implications for growth and affordability in the borough cannot be underestimated.
- 6.7 The Council's Local Plan Housing Supply Update April 2021 forming part of the evidence base for the draft new Local Plan represents the latest monitoring data available setting out that the Council considers that it has a **5.2-year housing land supply** (as at April 2021). Importantly this assumes ongoing progress with the adoption of the Local Plan, and a stepped housing land supply.

- 6.8 However, it is fair to say that this is now particularly misleading as Figure 8 of the 2021 AMR (period 2021-26) and Table 9.1 of the April 2021 update (period 2023-2028) confirm that a significant amount of this supply is made up of strategic allocations which are now unlikely to come forward or at the speed anticipated given local failure to adopt these allocations despite the Local Plan Inspector’s advice. It is worthwhile to note that the delivery of Brook Farm (HO14) is included within the current 5-year supply in both of the aforementioned documents.
- 6.9 For the period 2021-2026 the AMR sets out that it anticipates that 1,772 of its 5-year supply would come from such strategic allocations including 165 units at Brook Farm (HO14). In addition it adds that 719 units will come from other sources. Therefore the vast majority of the Council’s claimed 5-year supply relies on such strategic allocations which have now fallen away given the draft new Local Plan context. Consequently this confirms that the Council does not have a 5-year housing land supply and is far away from having one given the reliance placed on the strategic allocations to meet this ‘minimum’ requirement.
- 6.10 A similar trend relates to the 2023-2028 period with strategic allocations making up 2,572 of the total anticipated supply of 2,826 new homes. Clearly such strategic allocations are not deliverable within the meaning of the NPPF re-affirming that Castle Point has a chronic and persistent lack of 5-year housing land supply now and into the medium-term future and no likelihood of any strategy in the short-to-medium change that would change this dire position.
- 6.11 It is also worth re-iterating that, in terms of the most recent Housing Delivery Test results (2021) Castle Point delivered only 48% of their required new homes during the period 2018-21 which is the joint 14<sup>th</sup> worst in the whole of England.

### Overall Housing Delivery

- 6.12 As far as the overall housing delivery in the borough over time is concerned Table 1 below confirms the level of delivery against the required target which again re-enforces the chronic and persistent under delivery of much-needed new homes in the borough:

Monitoring Year	Delivery	Requirement	% of Need Delivered
2020/21	166	355	47%
2019/20	71	353	20%
2018/19	200	353	57%
2017/18	150	410	37%
2016/17	114	390	29%
2015/16	123	285	43%
2014/15	202	285	71%
2013/14	45	285	16%
2012/13	75	285	26%

2011/12	50	200	25%
2010/11	100	200	50%
2009/10	115	200	58%
2008/09	91	200	46%
2007/08	105	200	53%
2006/07	80	200	40%
2005/06	163	200	82%
2004/05	218	200	109%
2003/04	54	200	27%
2002/03	70	200	35%
2001/02	68	200	34%

**Table 1: Overall housing delivery in Castle Point against requirement 2001-2021.**

- 6.13 As is outlined, during the period 2001 to 2018, the annual completion rate was 107 homes per annum with this level of delivery being significantly below the required number of dwellings per annum. Overall delivery remained low during the period 2012 to 2021 and this trend is likely to continue into at least the short-to-medium term given the draft new Local Plan context.

#### Affordable Housing Delivery

- 6.14 The same level of persistent under delivery is also true for affordable housing delivery in the borough as Table 2 below outlines:

Monitoring Year	AH Delivery	AH Requirement	% of Need Delivered
2020/21	13	288	5%
2019/20	0	288	0%
2018/19	2	288	1%
2017/18	25	288	9%
2016/17	16	288	6%
2015/16	19	122	16%
2014/15	55	122	45%
2013/14	0	122	0%
2012/13	22	122	18%
2011/12	17	86	20%
2009/10	24	86	28%
2007/08	18	86	21%
2004/05	29	86	34%

**Table 2: Affordable housing delivery in Castle Point against requirement 2001-2021.**

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- 6.15 As outlined by Table 2 above this level of delivery falls well short of what is required and has made a small impact on the Council’s waiting list for housing. Furthermore, no homes intended for first time buyers have been delivered.
- 6.16 The SHMA Addendum 2017 forming part of the evidence base for the new draft Local Plan indicates that there is a need for up to 288 homes per annum to be affordable.
- 6.17 The draft new Local Plan sought 40% of new homes on the majority of sites of 10 homes or more to be affordable, split 50:50 between affordable housing for rent intended to address the Council’s housing waiting list and affordable homes for sale aimed at first time buyers. This policy would have secured around 1,200 additional affordable homes within Castle Point during the period up to 2033. Given that the draft new Local Plan is not being taken forward by the Borough Council it only exacerbates the chronic nature of this significant and persistent under-supply with there being no short- or medium-term strategy to address this currently.

### Conclusion

- 6.18 In conclusion, the above evidence highlights a significant and persistent under-delivery of both market and affordable housing with the borough over at least the last decade with no short or medium-term solution to addressing this local housing crisis given the Authority’s decision to not adopt its draft new Local Plan.
- 6.19 As a consequence of this, the Council can clearly not demonstrate a 5-year housing land supply with its draft allocations making up the vast majority of this previous calculation. Clearly such supply is no longer deliverable within the meaning of the NPPF and therefore the Council’s lack of a 5-year supply remains both chronic and severe.

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## 7. Adopted Local Plan Conformity

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise, such a Government Policy or emerging Local Policy.

### The Adopted Local Plan

- 7.2 Although the Adopted Local Plan is dated 1998, its content is actually considerably older, as it was placed 'on deposit' in 1994. The Plan was originally only supposed to cover the period from 1986 to 2001, as that was the period covered by the Essex Structure Plan (2nd Alteration), which was the strategic document in force at the time that the Plan was adopted.
- 7.3 Although the Local Plan did contain some limited provisions for safeguarded housing and employment land post-2001, the effective end date for the Plan period was 2001 (as stated in paragraph 1.8 of the document).
- 7.4 The Essex Structure Plan, upon which the strategy up to 2001 was based, was subsequently replaced by the East of England Plan (which was then itself revoked in 2011).
- 7.5 As noted above, the adopted Local Plan only remains extant by virtue of the fact that many of its policies were saved under a Direction by the Secretary of State in 2007.
- 7.6 However, the 'saving' Direction excluded a number of policies, with notable exclusions being policies GB1 and H1. Policy H1 was the policy that set out the proposed housing strategy for the Plan and was limited to the delivery of housing up to 2001 only. Policy GB1 provided a general policy statement on the protection of the Green Belt from inappropriate development, in line with the Essex Structure Plan and national planning policy at that time.
- 7.7 The fact that Policy GB1 was not saved may not appear to be consequential, as the application site still falls within the Green Belt, and national planning policy on the protection of the Green Belt still applies.
- 7.8 However, as the previous decade of attempts to produce a Local Plan have demonstrated, it is not possible in Castle Point to both protect the Green Belt and deliver sufficient land for housing. Delivering a sufficient number of new homes has a direct impact on the extent of land that can be protected as Green Belt. The exclusion of both Policies GB1 and H1 from the 'saving' Direction confirms, in our view, that there can be no effective policy for one without the other. There has therefore been no strategy for growth and for the Green Belt in Castle Point since policies H1 and GB1 expired in 2007 (although their effective expiry date was 2001).

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- 7.9 As a consequence, when considering the principle of a housing development in the Green Belt, as is the case with this application, the Adopted Local Plan can be afforded no weight at all, because the relevant policies ceased to exist a long time ago.
- 7.10 In terms of the remaining ‘saved’ policies of the adopted Plan (which for the purposes of this application would relate to development management policies), the Council undertook an exercise in 2013 to assess which of these should still be accorded full weight following the publication of the 2012 National Planning Policy Framework. But that exercise itself is now almost a decade old, and the NPPF has been revised on a number of occasions since.
- 7.11 Therefore, whilst the 1998 Local Plan is technically still the only adopted Plan, for the purposes of development management, the 2019 Draft Local Plan contains a much more up-to-date suite of policies, which are based on a much more up-to-date evidence base, and which, significantly, have been found to be Sound by a Local Plan Inspector.
- 7.12 In our view, therefore, the development management policies in the new Draft Local Plan should be preferred and be given greater weight than the equivalent policies in the adopted Plan. Despite the technically greater status of the latter, the new Plan is at a sufficiently advanced stage to give greater weight to the up-to-date policies that it contains, over the equivalent policies in the adopted Plan.
- 7.13 That position may change if and when the Council decides to formally withdraw the new Local Plan, but at the current time, the new Draft Local Plan still exists as a document that has been to Examination and been found Sound.
- 7.14 With reference back to Green Belt policy the key provisions in this respect are contained within Policy GB1 (Control of Development) which seeks to restrict inappropriate development in the Green Belt and has not been saved meaning that the adopted Local Plan no longer includes any overarching Policy relating to the Green Belt. This is confirmed by the Jotmans Lane appeal included at Appendix 4 with paras 11 and 5.1 and 5.2 being of direct relevance.
- 7.15 Therefore, in the absence of any adopted Local Plan Policy restricting development in the Green Belt in general these proposals would not be contrary to adopted Local Plan Green Belt Policy. As such the approach to Green Belt Policy will be guided by the approach set out in the NPPF and subsequent Planning Practice Guidance (PPG) as covered later.
- 7.16 The other most relevant adopted and Saved Local Plan Policies in this instance include the following:
- Policy EC2 – Design;
  - Policy EC3 – Residential Amenity;
  - Policy EC4 – Pollution;
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- Policy EC5 – Crime Prevention;
  - Policy EC13 – Protection of Wildlife and their Habitats;
  - Policy EC14 – Creation of New Wildlife Habitats;
  - Policy EC16 – Protection of Landscape;
  - Policy EC22 – Retention of Trees, Woodland and Hedgerows;
  - Policy EC23 – Tree and Shrub Planting;
  - Policy EC38 – Archaeological Sites and Monuments;
  - Policy H7 – Affordable Housing;
  - Policy H9 – New Housing Densities;
  - Policy H10 – Mix of Development;
  - Policy H11 – Accessible and Wheelchair Housing;
  - Policy H17 – Housing Development – Design and Layout;
  - Policy T2 – Intensification of Access Use;
  - Policy T8 – Car Parking Standards;
  - Policy T10 – Cycleways;
  - Policy RE4 – Provision of Children’s Playspace and Parks; and
  - Policy CF1 – Social and Physical Infrastructure and New Developments.

7.17 A summary of the proposed development’s compliance with these adopted Local Plan Policies is included at Appendix 1.

#### **Adopted Local Plan Conformity Conclusions**

7.18 Therefore, given the lack of Saved strategic Green Belt policy in Castle Point currently and the proposal’s compliance with all other relevant elements of the adopted Local Plan as outlined at Appendix 1 it is reasonable to conclude that the proposed development would be in full compliance with the adopted development plan.

7.19 Notwithstanding this the Court of Appeal judgement in *Cornwall Council v Corbett* [2020] EWCA Civ 508 makes clear that, even in cases where there is one policy drafted in very trenchant terms against development, a proposal may nevertheless be lawfully found to be in accordance with the plan if there are policies which support the nature of development under consideration.

7.20 This further enhances the adopted Local Plan compliance conclusion, because the proposed development would comply with the local development plan when taken as a whole even if some policy conflict were to be identified by the decision-maker.

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## 8. Other Material Considerations

8.1 The two key other material considerations in this instance are considered to comprise the following:

- The Draft New Local Plan; and
- The National Planning Policy Framework.

### The Draft New Local Plan

#### The weight to be attached to the new Draft Local Plan

8.2 The new Draft Local Plan is in the somewhat unique position of having been through an Examination and been found to be Sound, but the Council has taken a vote not to proceed to adoption. Equally, it has not been withdrawn, and therefore it remains as a Plan at a very advanced stage of preparation, which can and should be afforded considerable weight.

8.3 Even if the Council were to resolve to withdraw the Local Plan (as opposed to leaving it in its current 'limbo' state), the evidence base which supported the Plan and which allowed the Local Plan Inspector to find both its development strategy and its policies 'sound' would still carry significant weight. Amongst other matters, that evidence base serves to:

- Confirm the sparsity of development opportunities outside of the Green Belt;
- Confirm which sites within the Green Belt are best suited to development in terms of minimising harm to the purposes of the Green Belt;
- Confirm the suitability of the proposed residential allocations having regard to environmental matters and residential amenity; and
- Confirm the infrastructure needed to support the development at each of the proposed allocation sites.

8.4 Irrespective therefore of the Council's decision not to proceed to adoption of the Plan at this time, and irrespective of whether or not the Council decide to proceed to withdraw the Plan, the provisions of that document, and the evidence base that supports it, should still be afforded considerable weight in the decision-making process, particularly taking account:

- (a) The age and lack of any development strategy in the adopted Local Plan;
- (b) The fact that the Council's previous attempt to produce an alternative Local Plan without a substantive housing delivery strategy has already failed once at Examination in the relatively recent past; and
- (c) The lack of any other credible strategy for meeting the significant needs for market and affordable housing in the area (which is discussed further in Section 5).



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## Draft Policy HO14

- 8.5 The key policy in the new Draft Local Plan that relates to the application site is Policy HO14.
- 8.6 The principal development proposal in Policy HO14 is the delivery of “around” 173 new homes. As described previously in Section 3 of this Statement, the application as submitted is for full planning permission and delivers exactly 173 new homes, in accordance with Policy HO14.
- 8.7 Part 2 of Policy HO14 requires a Masterplan approach to the development of the site to be undertaken. The applicant commenced work on a Masterplan for the site alongside the previous stages of the Local Plan and consulted with the Council through pre-application engagement during this period (as well as undertaking a wider public consultation). The Masterplanning work that was undertaken at that time was both informed by the draft Local Plan policy and helped in turn to inform the 2020 Modifications to the Policy.
- 8.8 A Masterplanning approach to the site has therefore already been undertaken, but this application is also accompanied by a separate document that explains the wider Masterplan for the site and the influence of the Masterplan on the detailed proposals.
- 8.9 The Policies Map defines the extent of the boundary within which the new built development is to occur, with the remainder of the land under the applicant’s control remaining in the Green Belt. It will be seen from the site layout plan that the entirety of the new built development proposed in this application falls within the allocated development area in Policy HO14, meaning that the disposition of development is entirely in accordance with Policy HO14.
- 8.10 The application proposals include for open space, surface water attenuation, and biodiversity enhancement measures to be provided within that part of the application site that is proposed to remain as Green Belt. This approach to the use and enhancement of the Green Belt part of the site is entirely in accordance with parts 3(f) and 3(g) of Policy HO14.
- 8.11 Policy HO14 part 3(h) requires vehicular access to the site to be taken from Daws Heath Road, and the proposed development delivers this. Part 5 requires the development to support sustainable travel infrastructure, with particular reference to cycling and public transport, and the separate Transport Statement explains how this is to be achieved. Further such improvements are likely to be included within the associated S106 agreement in accordance with the Council’s Infrastructure Delivery Plan.
- 8.12 Policy HO14 parts 3(c) and (d) require the development to retain existing tree and hedge lines wherever possible and supplement the landscape framework of the site with particular reference to the southern boundary. The supporting Arboricultural Impact Assessment and

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separate Landscape and Visual Impact Assessment explain how the proposed development addresses these requirements.

- 8.13 Part 3(f) of the Policy requires the delivery of biodiversity net gains, and the separate Ecological Assessment explains how the development can be expected to achieve such biodiversity net gain, well in excess of the requirements of the Environment Bill.
- 8.14 Part (g) of the Policy requires no increase in off-site flood risk as a result of the development. The separate Flood Risk Assessment and Drainage Strategy submitted with the application demonstrates the proposed development's full compliance in this respect.
- 8.15 Finally, the Policy requires the approach to the design of the site to be context-led and to meet the Council's standards. The separate Design and Access Statement explains the design approach to the site has evolved in line with these requirements.
- 8.16 The proposed development has therefore been carefully designed to ensure compliance with the Council's most up-to-date policy requirements for the site.

#### Other new Draft Local Plan Policies

- 8.17 Aside from the site-specific allocation, the new Local Plan contains a number of relevant development management policies that would apply to the layout and design of the site, and the provision of infrastructure. Notwithstanding the fact that the Council has chosen at this time not to adopt these policies, the proposed development has been designed to accord with the requirements of those policies.
- 8.18 At Appendix 2, we provide a summary table that lists the relevant new Draft Local Plan policies that are relevant to the development proposed and explains briefly how the scheme has been designed to meet these relevant policy terms.
- 8.19 As part of recent pre-application discussions officers have confirmed that the provisions of the draft new Local Plan holds significant weight as a sound strategy as confirmed by the Local Plan Inspector despite Members resolving to not take this Plan forward for adoption.
- 8.20 For completeness the most relevant draft Local Plan Policies in this instance include the following:
- Policy SD1 – Making Effective Use of Land;
  - Policy SD2 – Development Contributions;
  - Policy HO1 – Housing Strategy;
  - Policy HO2 – Master Planning;
  - Policy HO3 – Housing Mix;
  - Policy HO4 – Securing more Affordable Housing;

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- Policy HO14 – Land at Brook Farm, Hadleigh;
  - Policy HS1 – Strategy for Healthy Communities;
  - Policy HS3 – Opportunities for Outdoor Recreation;
  - Policy HS4 – Education, Skills and Learning;
  - Policy TP1 – Transport Strategy;
  - Policy TP3 – Improvements to Footpaths, Bridleway and Cycling Infrastructure;
  - Policy TP4 – Improvements to Public Transport Infrastructure and Services;
  - Policy TP5 – Highway Impact;
  - Policy TP6 – Safe and Sustainable Access;
  - Policy TP7 – Parking Provision;
  - Policy DS1 – General Design Principles;
  - Policy DS2 – Landscaping;
  - Policy CC1 – Responding to Climate Change;
  - Policy CC4 – Sustainable Buildings;
  - Policy NE1 – Green Infrastructure and the Undeveloped Coast;
  - Policy NE5 – Ecologically Sensitive and Designated Sites;
  - Policy NE6 – Protecting and Enhancing the Landscape and Landscape Features;
  - Policy NE7 – Pollution Control; and
  - Policy NE10 – Ensuring Capacity at Water Recycling Centres.

#### Emerging Local Plan Conformity Conclusions

- 8.21 Therefore, given the proposed development’s clear compliance with all relevant elements of the emerging Local Plan as outlined at Appendix 2 it is reasonable to conclude that the proposed development would be in full compliance with the draft development plan.
- 8.22 Notwithstanding this, when taking into account the Court of Appeal judgement in *Cornwall Council v Corbett* [2020] EWCA Civ 508 this conclusion becomes even clearer.

#### The National Planning Policy Framework

- 8.23 In a situation where the existing Adopted Local Plan is out-of-date, and where a new Local Plan is yet to be adopted, the National Planning Policy Framework is of particular relevance. The purpose of this section is not to set out an exhaustive account of all parts of the NPPF that are relevant to the proposed development, but rather to draw attention to those parts of the document that are of particular relevance.
- 8.24 Within that context, we would firstly highlight paragraph 11, which relates to the presumption in favour of sustainable development. In relation to an application for planning permission, part (d) of paragraph 11 relates to a situation where either the policies that are most relevant to the determination of the application are out-of-date, or are non-existent. In this instance, both criteria are effectively met, in the sense that the policies that would have been most

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relevant to the determination of an application for residential development in the Green Belt under the adopted Local Plan would have been policies GB1 and H1, both of which ceased to exist in 2007, and because in any event the adopted development plan is so out-of-date (and not least because the Council is unable to provide a sufficient supply of housing land in the short term as per footnote 8 of the NPPF) (See section 5).

- 8.25 In this situation, paragraph 11 of the NPPF says that the presumption in favour of development (often called the ‘tilted balance’) applies unless either other policies in the Framework provide a “clear reason” for refusing planning permission, or any adverse impacts of the proposed development would demonstrably outweigh the benefits.
- 8.26 In relation to the second matter, we provide a summary of the benefits of the proposed development in Section 8 of this Statement, and also explain how, other than the adverse impact on the openness of the Green Belt, there is no material harm arising from the development, such that it is reasonable to conclude that the benefits of the development significantly and demonstrably outweigh any harm (as opposed to the reverse).
- 8.27 In relation to the first matter, what the preceding analysis of the history of the Council’s Local Plan has shown is that there is no scenario whereby the Council can make a meaningful contribution to meeting local housing need (both market and affordable) without the development of an element of Green Belt land. Moreover, as we go on to explore in Section 8, this is a case where a combination of the context (for example the absence of an up-to-date Local Plan, the chronic housing delivery issues, the fact that the Council has persistently sought to allocate the application site even when other sites were removed from the draft Plan etc) and the benefits of the scheme combine to create the ‘Very Special Circumstances’ necessary to justify development in the Green Belt. Accordingly, Green Belt policy does not provide a ‘clear reason’ to refuse development in this instance, and hence footnote 7 to paragraph 11 does not apply in this instance.
- 8.28 Therefore, it is submitted that this is an instance where paragraph 11 and the presumption in favour of sustainable development is engaged, and the correct test is that planning permission should be granted unless the harm arising both significantly and demonstrably outweighs the benefits of the development. However, even if the tilted balance under paragraph 11 were held not to apply, it would still be the case, as discussed further in Section 6 of this Statement, that the benefits of the proposed development outweigh the harm, such that permission should be granted.
- 8.29 Turning then to housing supply matters, the other key aspect of National Planning Policy that is particularly significant in the context of this application is paragraph 60, which states that the planning system should act to support the Government’s objective of significantly boosting the supply of homes. As we have examined, the absence of an up-to-date Local Plan is acting at Castle Point to significantly constrain housing delivery to rates that are making no

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meaningful impact on local housing need and is therefore having the complete opposite effect to the National Planning Policy Framework.

- 8.30 Whilst it therefore remains national policy that “substantial weight” should be given to harm to the Green Belt (paragraph 148 of the NPPF), it is also the case that the NPPF identifies the provision of a sufficient supply of housing land as a key Government objective, and that can only be achieved in Castle Point through the development of land in the Green Belt.
- 8.31 National planning policy extends to more than just the control of development in the Green Belt, it also seeks positive use of Green Belt land. Paragraph 145 notes that within Green Belts, local planning authorities should plan positively for beneficial use, which would include opportunities to improve access, to provide opportunities for recreation, and to promote biodiversity.
- 8.32 As discussed in more detail in Section 3, the proposed development includes significant proposals for enhanced public access to the land for walkers, cyclists and equestrian users, and dedicates a substantial area of land in excess of local standards for public open space. It will also create significant new habitats, support wildlife, and increase biodiversity. Whilst by definition the proposed development would create harm to the Green Belt as a result of new buildings, at the same time, the proposals contribute positively to government objectives for the beneficial use of Green Belt land.

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## 9. Planning Balance

- 9.1 The statutory starting point for the determination of any planning application is the adopted Development Plan, and decisions should be made in accordance with that Plan unless material considerations indicate otherwise. In this case, however, as we have explained in Section 4, the statutory Development Plan no longer includes policies relating to the Green Belt and Housing, as the core policies were not saved, and the framework provided is now so out of date that it can be afforded no material weight in the determination of this application.
- 9.2 Where this situation occurs, paragraph 11 of the NPPF provides that planning permission should be granted, unless the adverse effects of development significantly and demonstrably outweigh the benefits. There is also the separate ‘Very Special Circumstances’ test at paragraph 148 of the NPPF, which needs to be passed in order for inappropriate development in the Green Belt to be approved. In both cases, the tests require an assessment of the benefits of the scheme, compared to the harm.
- 9.3 In Section 3 of this Statement we have described the development and identified a number of benefits arising from the scheme, particularly in relation to the provision of new homes to meet local needs, the delivery of significant biodiversity enhancement, and the provision of new open space, alongside other matters.
- 9.4 In Section 4 we have described the “persistent failure” (the words used by the Secretary of State) of the Council to bring forward a new Local Plan to replace the old 1998 Plan, and the effect that this has had on the Council’s ability to meet the policy requirements in the NPPF to significantly boost housing delivery. We note, however, that despite the fact that the Council haven’t managed to adopt a new Plan, every draft Plan that it has produced over the last decade (including the current draft) has sought to amend the Green Belt boundary to enable the Application Site to be developed for housing.
- 9.5 We also explain in Section 4 how the application proposals accord with Policy HO14 of the current draft Local Plan, and why (in the absence of any other Plan), the new draft Local Plan should continue to be afforded considerable weight.
- 9.6 In Section 5 we quantify the scale of the shortfall in local housing delivery, both overall in terms of market and affordable housing requirements, and the persistent under-delivery that the lack of a Local Plan has caused in terms of the Council’s 5 Year Land Supply.
- 9.7 In this Section, we draw these themes together to explain why the benefits of the scheme clearly outweigh the limited harm caused (to the Green Belt), and why therefore the planning balance lies firmly in favour of the grant of planning permission in this instance. In the following paragraphs we consider firstly the various benefits of the scheme, then we consider the harm caused by the development (to the Green Belt, as no other harm arises), and we also

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set out the 'Very Special Circumstances' that exist in this case to justify development in the Green Belt).

### The Benefits of the Development

- In Section 3, we explain the various elements of the proposed development, and we explain that the proposals will provide the following significant benefits:
- The delivery of 104 market dwellings, of a mix and type that closely match local housing requirements as identified in the Council's Strategic Housing Market Assessment, in a context where (as explained in Section 5), there is a chronic shortfall;
- The delivery of 69 affordable houses, of a mix and type designed to meet local housing need, in a context where delivery of affordable homes is falling far below levels of need (as explained in section 5);
- The delivery of approximately 10 hectares of public open space in accordance with the NPPF policy of ensuring the beneficial use of Green Belt land;
- The delivery of a package of ecological enhancement measures, capable of achieving biodiversity net gain, again in accordance with national planning policy objectives;
- The delivery of highly sustainable housing, achieving significant improvement in terms of energy efficiency compared to current building regulations, as well as good levels of energy requirements from local renewable sources, and a reduction in water usage over Building Regulations.

9.8 The above benefits derive from the physical aspects of the development at the completed stage. But a development of this scale and nature also delivers significant economic benefits, arising both from investment and economic activity through the construction process, and through the ongoing economic activity from new residents in the future. Appendix 3 contains an infographic which explains the economic benefits of the development, and which include:

- A total construction value of £39 million;
- £40.4 million economic output;
- 182 direct construction jobs;
- 224 supply chain jobs;
- £2.7 million resident expenditure;
- 28 supported jobs from increased expenditure in local area; and
- £279k in Council Tax revenues.

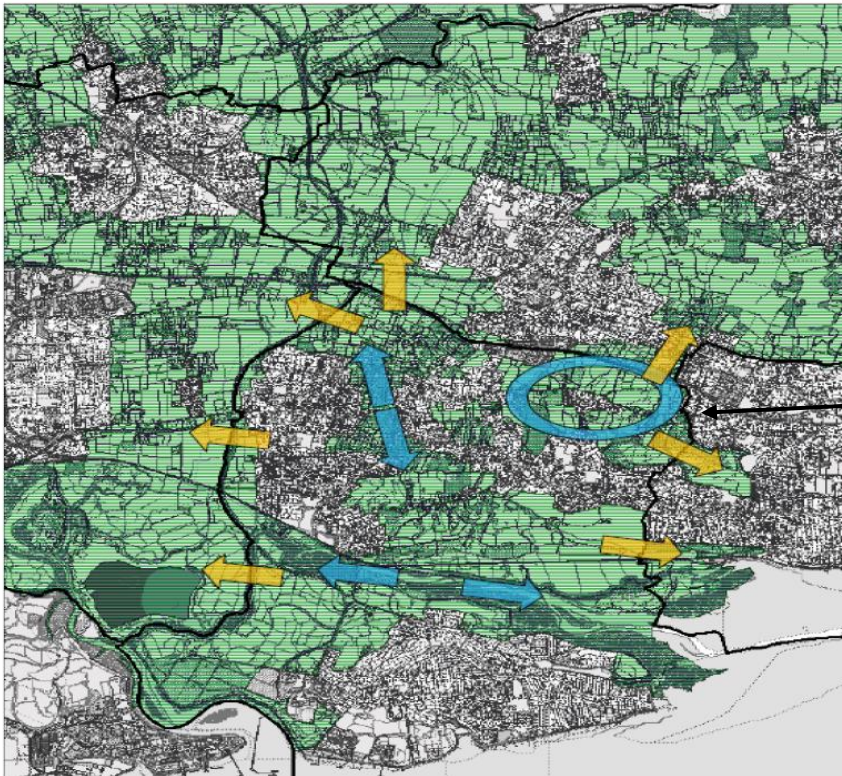
9.9 In the context of the current situation in Castle Point, where there is no adopted Local Plan, no credible strategy for meeting housing need (other than the Plan which has been found Sound and which allocates the Application Site for development anyway), and where there are significant failings in local housing delivery as explained in Section 5, the above social, economic and environmental benefits are substantial.

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### The harm caused by the development

- 9.10 The proposed development comprises “inappropriate development” in the Green Belt, and therefore as per paragraph 147 of the NPPF, the proposals cause harm to the Green Belt by definition.
- 9.11 Paragraph 148 of the NPPF explains that the “very special circumstances” necessary to justify approval of inappropriate development will not exist unless both the harm to the Green Belt by definition, and any other harm, is clearly outweighed by other considerations.
- 9.12 In terms of ‘any other harm’, as explained elsewhere in the supporting documentation, there is no harm arising from the development on matters such as flood risk, drainage, transportation, local services, ecology, pollution, contamination, archaeology and heritage, or residential amenity – this is either because no harm is created anyway, or because where harm could arise, appropriate mitigation can be used and controlled through planning conditions or obligations to ensure that no harm arises.
- 9.13 In terms of harm to the Green Belt, we have previously noted (see Section 4) that the land at Brook Farm was proposed for residential development in the 2014 draft Plan, the 2016 Draft Plan, and the 2019 Draft Plan, and is unique in terms of being the only predominantly greenfield Green Belt site (not previously identified in the 1998 Local Plan) to be so treated. Whilst other sites that were proposed for allocation in the 2014 Local Plan were deleted in 2016 in order to protect the Green Belt, this site was not.
- 9.14 The selection of sites for allocation in the various iterations of the draft Local Plan has been informed by an analysis of the importance that each parcel of land plays in terms of the purposes and wider functions of the Green Belt in Castle Point.
- 9.15 The initial assessment of the Green Belt undertaken by the Council was the November 2013 Green Belt Boundary Review (also referred to as the Part 1 review). This document commenced by noting that some 60% of the Borough comprises of Green Belt, and that the Green Belt boundary is “tightly drawn around the existing urban area, incorporating most of the undeveloped land within the borough.”
- 9.16 The document goes on to note that the Green Belt in Castle Point forms part of a wider network of Green Belt across south Essex, and therefore the Castle Point Green Belt has a wider strategic function in terms of preventing merging of neighbouring settlements in other districts, as well as having an internal role in controlling development within the Borough. The diagram below shows the differentiation between areas of the Green Belt with wider sub-regional linkages, and areas of the Green Belt where the function relates to internal linkages. The application site forms part of an area referred to in the report as the ‘Daws Heath ring’, which performs an internal function rather than a wide strategic function.





Application Site

- 9.17 The Council’s assessment of the Green Belt concluded that every part of the Green Belt performed some function and contributed to the purposes of the Green Belt.
- 9.18 The report proceeded to assess individual sites and their potential impact on the Green Belt if developed, and alongside many of the other sites that were subsequently proposed for allocation in the 2014 draft Local Plan, the Application Site was assessed as ‘amber’ in terms of its potential harm to the Green Belt. The assessment concluded that:
- “The proposed boundaries could be formed by readily recognisable and permanent features in the landscape, in combination with the land to the west, Solby Wood Farm. Realigning the boundary [to the Green Belt] would provide opportunities to improve landscaping and planting, and to create a more robust defensible boundary, particularly if in combination with the Solby Wood Farm site to the west of this site.”*
- 9.19 In essence, although the Application Site forms part of the ‘Daws Heath ring’, it lies on the inner edge of the ring, and development here will still allow for the strategic purposes of the Green Belt in this location to be maintained, with separation between Daws Heath and Hadleigh protected.
- 9.20 The neighbouring site at Solby Wood Farm referred to above which ‘mirrors’ Brook Farm on the west side of Daws Heath Road has already been granted planning permission and is substantially completed.

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9.21 The Council's evidence base has continued to provide support for the allocation of the site through the Local Plan process, whilst of course acknowledging that development here (as on any Green Belt site) will cause some harm to the Green Belt.

9.22 Clearly, in line with the NPPF, it is right that the harm to the Green Belt caused by the development is a matter that the decision maker has to give substantial weight. But in the context of the Castle Point Green Belt, and relative to other Green Belt land, the Application Site:

- Does not relate to land which performs a wider sub-regional Green Belt function;
- Has been assessed as part of a systematic and thorough review of the Green Belt, which has supported the allocation of the site in the Local Plan at every stage over the past decade;
- Performs a similar function in Green Belt terms to the land at Solby Wood Farm on the west side of Daws Heath Road (which is why the two sites were originally allocated as one), which equally sits on the inner edge of the Daws Heath ring, and which has been granted permission and is now substantially completed; and
- Is proposed for allocation in a Local Plan that has very recently been found Sound by the Local Plan Inspector.

9.23 In addition to the above, and as noted previously in Section 4, not only is the relative harm to the Green Belt limited for the reasons above, it is also material to take in to account the proposed beneficial use of the southern and eastern parts of the Application Site for biodiversity enhancement and open space, uses which are positively encouraged under paragraph 145 of the NPPF in terms of opportunities to make beneficial use of Green Belt land.

#### The case for 'Very Special Circumstances'

9.24 In the light of the above, and in the context of the information presented in sections 4 and 5 of this Statement, the key reasons why 'Very Special Circumstances' exist to grant planning permission in the context of this particular planning application, on this particular Site, are in summary:

- The shortfall in delivery of new homes generally in Castle Point, and the adverse consequences this shortfall has on the local housing market and opportunities for local people to access suitable homes;
- The chronic shortfall in the delivery of affordable housing, and the adverse impact this has on local persons most at need of appropriate accommodation;
- The chronic state of the Council's 5 Year Housing Land supply, and the implications of a lack of short-term delivery in terms of both access to housing now, and the cumulative effect this will have on housing pressure in the future;
- The fact that this Application Site has, uniquely for a site that is primarily greenfield and not previously allocated, been consistently proposed for allocation in every draft

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Local Plan published over the past decade, even when the Council were pursuing a strategy of protecting the Green Belt at the expenses of meeting housing need (as explained in Section 4); and

- The fact that the proposed allocation of the Site in those successive draft Local Plans has been underpinned by a strategic assessment of the relative harm of development to the Green Belt, and those assessment have concluded that the Site is appropriate for development in that context (as discussed above).

9.25 The evidence from the past three draft Local Plans which all confirm that the Government's objective to significantly boost housing supply as per paragraph 60 of the NPPF cannot be achieved in Castle Point without development of land within the current Green Belt (as discussed in Section 4).

9.26 The fact that the Site is allocated in a draft Local Plan that has been through the Examination process and been found sound, and which is available for the Council to adopt at any point it chooses (as discussed in Section 4), and where the application as proposed accords entirely with the proposed allocation.

9.27 The fact that the existing Local Plan effectively expired over two decades ago, and since then the Council's attempts to bring forward a new Local Plan have been so poor that the Secretary of State has had to issue a threat of intervention, such that there can be no confidence that the Council would have the ability to produce any other alternative Local Plan that could be found Sound.

9.28 The fact that, in addition to helping to meet the immediate and pressing need for additional housing, the proposed development also delivers a range of other material benefits including:

- Significant enhancements in local biodiversity (as discussed in Section 3);
- The delivery of environmentally efficient housing which exceed local and national requirements for renewable energy (as discussed in Section 3);
- The delivery of significant new publicly accessible open space for the benefit of new and existing residents alike (as discussed in Section 3); and
- Additional benefits particularly with regards economic/employment benefits as outlined above.

9.29 The benefits of the proposal, particularly in terms of housing supply in the local context, are substantive. The harm to the Green Belt should be accorded significant weight, but in the context of Castle Point meeting housing needs cannot be achieved without Green Belt harm, whilst this Site in particular has been found to be more appropriate for development in Green Belt terms than any other realistic alternative, and so the harm to the Green Belt is relatively limited by comparison.

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9.30 Therefore, the above factors, some of which are generic to Castle Point, but many of which are specific to the Application Site and the form of development proposed, combine to provide the ‘Very Special Circumstances’ necessary to grant planning permission in this instance, as the benefits clearly outweigh the harm.

#### The Planning Balance

9.31 As discussed in Section 4 of this Statement, this is a situation whereby the ‘tilted balance’ in paragraph 11 of the NPPF should apply. This is because:

- The adopted Local Plan is silent/out-of-date in terms of the principal policies;
- The benefits of the scheme clearly outweigh the harm to the Green Belt, such that ‘Very Special Circumstances’ exist, and therefore footnote 7 of paragraph 11 does not come into effect, as protection of the Green Belt does not provide a ‘clear reason’ for refusal.

9.32 Given the benefits of the development and relative lack of harm to the Green Belt, the benefits of the proposed development are not outweighed by the harm (let alone significantly outweighed).

9.33 However, even if it were held that the ‘tilted balance’ of paragraph 11 did not apply, then in the absence of any other material considerations, a conclusion that the proposed development meets the test of ‘Very Special Circumstances’ for development in the Green Belt provides the necessary justification for approval anyway.

9.34 Therefore, irrespective of whether paragraph 11 or paragraph 148 of the NPPF provides the primary test by which the application is judged, in both cases the substantive benefits of proposed development clearly outweigh the harm, and therefore on balance, the correct decision is that planning permission should be granted.

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## 10. Affordable Housing Statement

- 10.1 The proposed development will provide up to 40% of the dwellings as affordable housing which equates to a total of 69 units provided across the site in line with draft new Local Plan requirements which itself has been tested against an up-to-date evidence base.
- 10.2 The proposed mix and tenure of this affordable housing is as set out within the supporting Accommodation Schedule.

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## 11. Section 106 Heads of Terms

- 11.1 In terms of the Heads of Terms for any subsequent Section 106 Agreement on this matter these will firstly be guided by the Council's latest Infrastructure Delivery Plan (Version 2) (September 2020).
- 11.2 Appendix 3 of this document sets out the infrastructure contributions required from such development would relate to the following main areas:
- Education;
  - Healthcare;
  - Green Infrastructure;
  - Transport;
  - Waste Water Management; and
  - Libraries.
- 11.3 The full extent of S106 requirements will be further clarified during the planning application process.

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## 12. Conclusion

- 12.1 The proposed development seeks detailed approval for the construction of 173 new dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings on land at Brook Farm, Daws Heath Road, Daws Heath, Essex.
- 12.2 As set out in detail within this Planning Statement the adopted Local Plan was first adopted way back in 1998 (but its provisions are somewhat older than this still) with its strategic Green Belt policy (GB1) not Saved in 2007. Following a further assessment of the proposal against the Saved policies of the adopted Local Plan it is clear that such development would be in full compliance with the adopted local development plan. This is an important starting part in the planning balance.
- 12.3 Notwithstanding this, two of the key material considerations in this matter are the draft new Local Plan and relevant provisions of the NPPF. Starting firstly with the draft new Local Plan which is considered to hold significant weight, the application is allocated within this Plan (Policy H014) to deliver up to 173 dwellings and associated development with this proposal having been carefully evolved in line with such policy requirements. This provision and the Local Plan Inspector's recent conclusions that such Plan provisions as a whole are sound are another important factor holding significant weight in the planning balance.
- 12.4 The NPPF provides further support for these proposals especially given the age of the adopted Local Plan and the local failure to adopt a new Local Plan since this time to address a long running and chronic local housing shortage which has been well documented.
- 12.5 Importantly, this Planning Statement has robustly set out a range of matters specific to this planning application which would amount to the very special circumstances necessary to justify such new development in the Green Belt in this instance in line with national planning policy requirements. Critically this includes provisions in respect of much-needed new housing supply and enhanced recreational opportunities in the Green Belt, both which would be delivered by these detailed proposals for the site.
- 12.6 Therefore, the proposed development is considered to be policy compliant when taking into account the provisions of the adopted Local Plan and other material considerations, namely the draft new Local Plan and the NPPF.
- 12.7 Further, it is the applicant's view that this position would also re-affirm the full engagement of the NPPF's tilted balance and consequently the adverse impacts of granting planning permission would NOT significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole in this instance.

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12.8 Therefore, we respectfully respect that Castle Point Borough Council considers this planning application positively and grants detailed planning permission accordingly.



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## APPENDIX 1

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## APPENDIX 2

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## APPENDIX 3

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## APPENDIX 4



# Phase 2

PLANNING &  
DEVELOPMENT  
LIMITED