

From:Adam Bennett
Sent:Thu, 2 Dec 2021 14:47:09 +0000
To:James Gilfillan
Subject:RE: Coles Yard Stuckton - 21/11573

Hi James,

Thanks for your email.

I'm afraid I don't agree at all with the suggestion of the relevance of Policy HOU5 of the New Forest District Local Plan.

The site comprises an existing building in the countryside with a lawful use for employment purposes and a brownfield development site. This is not new development on a greenfield site within the countryside, which is what Policy HOU5 is intended to govern to facilitate local needs housing. The purpose of HOU5 is to allow sites that could not normally come forwards for planning permission to be delivered for affordable housing where there is which could not otherwise be provided. This policy does not apply to the change of use of buildings in the countryside – if it did, it would state that.

The Same position applies for Policy DM20 – the policy seeks to prevent the development of greenfield sites within the countryside i.e. new development for residential purposes outside of settlements. The Policy does not govern the change of use and re-use of buildings within the countryside.

The Local Development Plan deals explicitly with the change of use of sites from employment uses to alternative uses – including residential at Policy ECON2.

The Local plan does not deal specifically with the matter of change of use of buildings to residential uses otherwise; it is silent on this matter. In such circumstances we turn to the National Planning Policy Framework and, as I have discussed in the submissions, Paragraphs 79 and 80 of the Framework.

I have had a number of Barrister's Opinions on this matter in other local planning authorities – the Council's policies have to be read based on the language used, including with reference to the policy supporting text in accordance with the judgment of the courts in *Tesco Stores Ltd v Dundee City Council*

[2012] P.T.S.R. 983. The Council cannot infer meaning into their policies which is not there. The development plan is quite simply silent generally on the re-use of buildings specifically for residential uses. But Policy ECON2 is clear that the re-use of employment sites for alternative uses will be supported where the provisions of that policy are addressed i.e. the requirements for marketing.

I have set out the position quite clearly in my view within the Planning Statement the question of which policies are applicable to the development is not in my view a matter that can be contested. Policies HOU5 and DM20 are simply not relevant.

Kind Regards

Adam Bennett

Town Planning Consultant




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*Wishing You A Very Merry Christmas
And A Prosperous New Year*

Please Be Aware Our Office Will Be Closed Over the Christmas Period From:-
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From: James Gilfillan <James.Gilfillan@NFDC.GOV.UK>

Sent: 02 December 2021 13:27

To: Adam Bennett <adam@kppcltd.co.uk>

Subject: COles Yard Stuckton - 21/11573

Adam, good afternoon.

I've received your app for the above site.

I note your Planning D&A. Please would you review adopted policies HOU5 of the local plan part 1 and DM20 of Part 2.

This is basically new housing in the open countryside and those policies will apply.

I look forward to your thoughts.

Regards

James

James Gilfillan
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