

Planning Statement

Land South Side, Dry Street,
Basildon, SS16 5LT

STATEMENT WRITTEN BY:

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1. INTRODUCTION

- 1.1 This Statement has been prepared on behalf of the Applicant in connection with an application for permission for the erection of two retirement bungalows.
- 1.2 The Council will be familiar with the Site which was the subject of a recent appeal decision dated 27 September 2023 (the 2023 Appeal Decision).
- 1.3 The Applicant seeks within this application to demonstrate the very special circumstances (VSC) which distinguish this application from the proposed development that was the subject of the 2023 Appeal Decision.
- 1.4 The application that was the subject of the 2023 Decision placed its principal focus on the village infilling policy exception¹. The Inspector in the 2023 Appeal Decision found that Dry Street lacked the core elements of a village and as such the village infill policy did not apply. The Applicant maintains that Dry Street has the necessary qualities that amount to a village. Even if the Council take the view that Dry Street is not a village, Dry Street itself has a strong sense of community which has made it an area where local residents are very supportive of additional (much needed) housing being introduced to the area.
- 1.5 The Applicant further accepts that there would be some, albeit limited, harm to the openness of Green Belt and as a result any application will need to demonstrate 'very special circumstances' (VSC) in accordance with Green Belt policy, as discussed further below.
- 1.6 The core purpose of this Statement is to highlight the key attributes of the proposed development which cumulatively lead to VSC which outweigh the moderate impact to the openness of the Green Belt. The Applicant accepts that there is not one single factor that would demonstrate VSC, however when combining a multitude of significant factors, the VSC test is achieved.
- 1.7 The various factors will be expanded upon further at Section 5 below, however in summary the headline attributes are as follows:
- Two dwellings will contribute to the Council's chronic shortage of housing;

¹ Which is now set out at paragraph 154(e) of the December 2023 NPPF

- The dwellings will have an occupancy condition to restrict to occupants over 55 which addresses a shortage of much needed housing for the District's elderly population.
- The dwellings will be constructed to building regulation Class M so as to be readily adaptable for the elderly and disabled.
- The Applicant will make a contribution of £20,000 to the NHS or any other scheme that the Council deem appropriate.
- The Council's lack of an up to date development plan has prompted the Secretary of State to direct the Council to revise their Local Development Scheme within 12 weeks of the revised NPPF.
- The Site is low grade Green Belt land which is surrounded on three sides by residential development, removing any risk of encroachment into the countryside or negative 'precedent' being set.
- Granting permission on this Site will assist in meeting the Council's housing supply and reducing the risk of better quality Green Belt land being developed.

1.8 It should also be noted that the Applicant has taken on board the Inspector's previous comments and has now accordingly reduced the development from five to two dwellings which reduces the impact on the openness. As a result the impact on openness carries less weight than it did in the previous application and appeal.

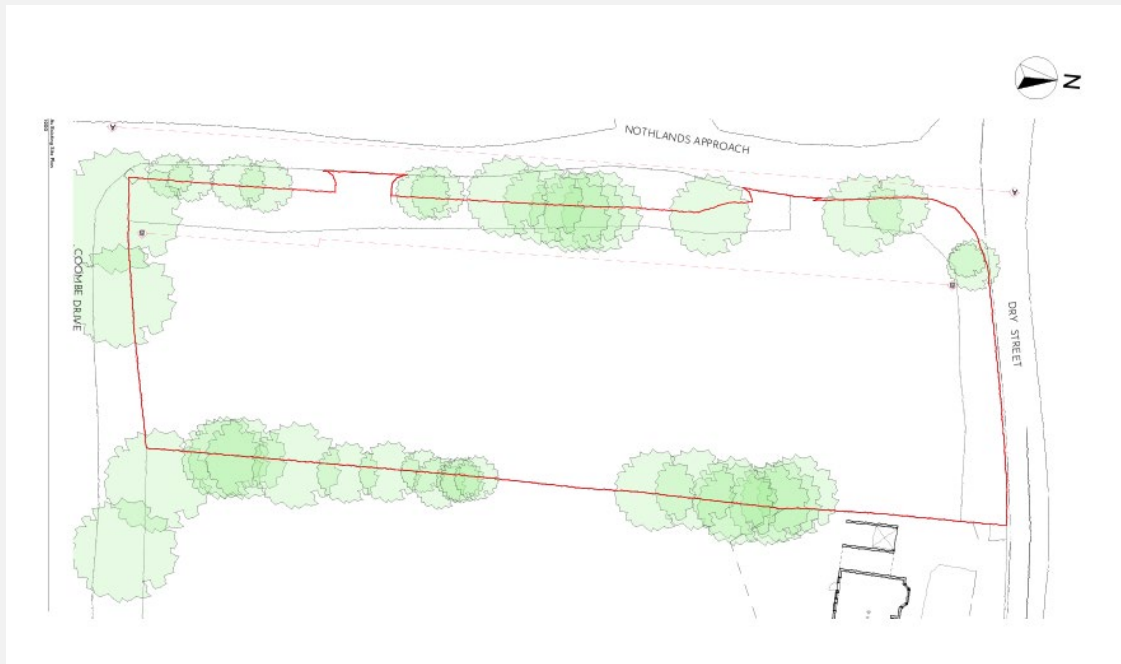
Report Structure

1.9 Section 2 of this Statement provides a description of the Site and surrounding area; section 3 provides a summary of the relevant planning history; section 4 describes the proposed development; section 5 outlines the planning policy context; section 6 sets out the planning assessment; and section 7 provides a conclusion.

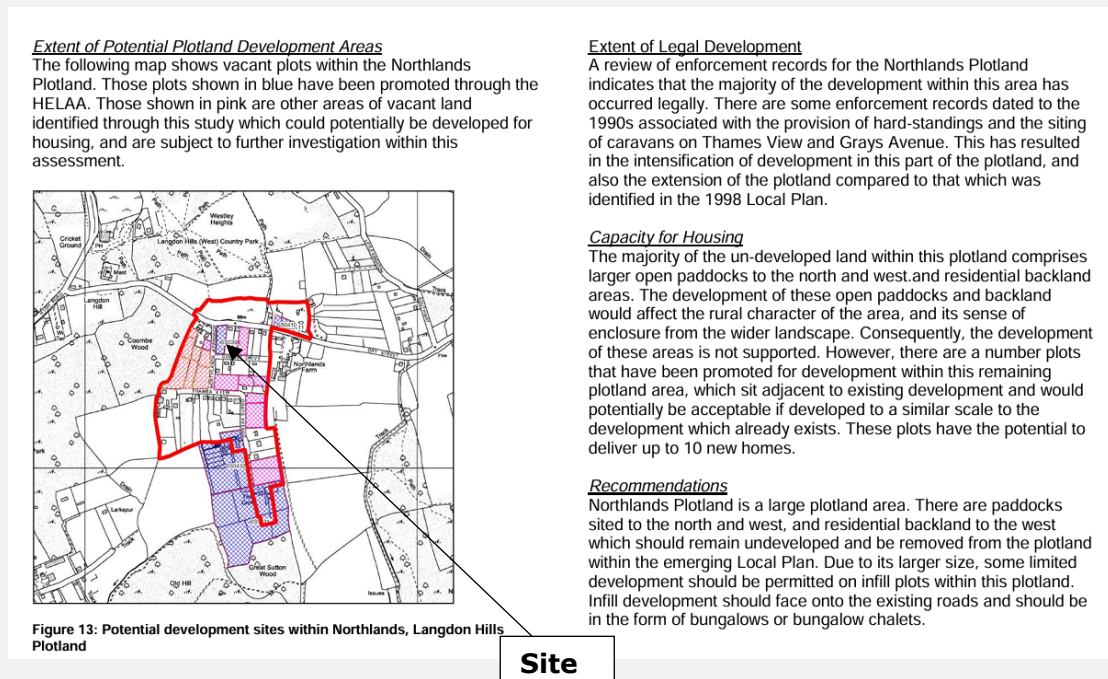
2. SITE AND SURROUNDINGS

- 2.1 The Site consists of a 0.29ha area of disused scrub land that lies within the Metropolitan Green Belt, approximately 1.3KM to the southwest of the designated Basildon Settlement Boundary.

Figure 1: Existing Site Plan



- 2.2 Whilst the Site does not lie in any designated settlement boundary the Council have previously placed it within the Northlands, Langdon Hills 'Plotland' with a 2017 Plotland Study designating the Site as potentially suitable for development (see Figure 2 below).

Figure 2: Extract from 2017 Plotland Study

- 2.3 The Site is surrounded on three sides (east, south and west) by existing residential development and to the north lies the public highway known as Dry Street which is largely obscured by the mature hedge and tree line that borders the Site.
- 2.4 The surrounding dwellings are all generally of a modern design and comprise a mixture of design and material choices so that there is no discernible theme or characteristics.
- 2.5 The Site lies outside of any Conservation Area, is not in close proximity to any heritage assets, is not subject to any ecological issues and lies in Flood Zone 1 (lowest probability of flooding).
- 2.6 Save for the fact that the Site lies outside of a defined Settlement Boundary and is within the Green Belt, there are no policy or statutory constraints that would present an obstacle to development.

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for 2no. retirement bungalows. The Applicant's Design and Access Statement provides further details on the proposed scale, layout and appearance. However, the proposed images at Figure 3 and 4 below give a clear indication that the proposed development would be built to a high standard and correspond well to the rural setting.

Figure 3: Proposed Site Plan



Figure 4: *Proposed Elevations*



4. PLANNING POLICY FRAMEWORK

- 4.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Planning Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 In In this instance the Development Plan comprises of the Basildon Saved Local Plan adopted in 2007. The Emerging Local Plan 2014 – 2034 was withdrawn from examination on 4 March 2022.
- 4.3 Material considerations to this application include the National Planning Policy Framework (2023) (the "NPPF"); National Planning Practice Guidance; and design guidance.
- 4.4 Given that the Local Plan is now considerably out of date and there is no Emerging Plan in progress the provisions in the NPPF are the principal focus in the current application.

National Planning Policy Framework (December 2023)

- 4.5 *Paragraph 11* - Plans and decisions should apply a presumption in favour of sustainable development. Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses. Where development plan policies are out of date, including where the Council cannot demonstrate a five year supply of deliverable housing sites, planning permission should be granted unless:
- i) there is a clear reason for refusal to protect areas or assets of particular importance; or
 - ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against other policies within the NPPF.
- 4.6 *Paragraph 38* - Planning decisions should be approached in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible.

- 4.7 *Paragraph 60* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 4.8 *Paragraph 70* - Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 4.9 *Paragraph 123* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.
- 4.10 *Paragraph 131* - The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.11 *Paragraph 142* - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 4.12 *Paragraph 153* - When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5. PLANNING ASSESSMENT

- 5.1 The Applicant accepts that the proposed development would have some limited impact on the openness of the Green Belt, therefore by definition it is necessarily defined in planning terms as 'inappropriate development' in the Green Belt. In these instances, where 'very special circumstances' (VSC) are present, the development can be viewed as acceptable and planning permission granted in accordance with policy.
- 5.2 Paragraph 153 of the NPPF defines VSC as a planning balance where the benefits clearly outweigh the adverse impacts. As such, in order for the Applicant to show VSC, the LPA needs to be satisfied that there is an overall net gain in the development.
- 5.3 The Applicant, by reducing the number of units sought on the Site, has decreased the impact that the proposed development would have on the openness of the Green Belt. As a result, the weight attached to the impact on openness should also be accordingly reduced when compared to the weight given during the 2023 Application. This means that the bar set for achieving VSC has been lowered.
- 5.4 Prior to examining the benefits of the proposed development it is helpful to consider the degree to which there will be an impact on the openness of the Green Belt.
- 5.5 It is common ground that the definition of openness is not limited to the amount of development floor space or the visual impact of a proposed development and that there are a variety of other factors which may or may not include visual impact.
- 5.6 Lord Carnworth providing the judgement in the leading Supreme Court case of *Samuel Smith Old Brewery* stated as follows:

"The concept of openness...seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of the Green Belt policy..."to prevent urban sprawl by keeping the land permanently open" openness is the counterpart to urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about visual qualities of the land though in some cases this may be an aspect of the planning judgment involved in

applying this broad concept. Nor does it imply freedom from any form of development.”

- 5.7 Lord Carnworth makes clear that openness in essence was a term used to ensure that urban sprawl does not take place and not a term that acts as a block to any and all development.
- 5.8 Importantly, the Green Belt has nothing to do with preserving the intrinsic value of the land to which it relates, such as its relative value for agriculture or biodiversity.
- 5.9 Paragraph 143 of the NPPF provides the five underlying aims of the Green Belt and as such the five principles of ‘openness’. The Inspector in the 2023 Appeal Decision noted that the proposed development would only be contrary to “*one of the five Green Belt purposes*”² this being sub paragraph C which seeks to “*assist in safeguarding the countryside from encroachment*”.
- 5.10 It can therefore be assumed that the proposed development would not impact the remaining four purposes of the Green Belt and this should be taken into account when assessing the level of impact the proposed development will have on openness.
- 5.11 In relation to the concerns regarding the encroachment on the countryside, the Applicant has previously referenced the Council’s 2017 Plotlands Study (see Figure 2 above). Whilst the Inspector in the 2023 Appeal Decision gave little weight to this study, it is respectfully submitted that the Inspector missed the thrust of the Applicant’s previous argument, for the reasons set out below.
- 5.12 The 2017 Plotlands Study indicates that development of the Site would potentially be suitable given it sits within the Northlands Plotland Area and is between existing residential development. Whilst it is appreciated that this Study carries little weight from a policy perspective (given that the Emerging Plan is no longer being progressed) the finding by the Council that this Site would potentially be suitable for development does show that that the Council do not consider that there would be such a significant impact on openness.

² See paragraph 9 of the 2023 Appeal Decision

5.13 The Applicant entirely agrees with the findings of the Plotland Study. The Site:

- sits between existing residential development;
- is surrounded on two sides by the existing roads;
- has a mature tree /hedge line that obscures it from the public highway.

5.14 The fact that the Site is entirely surrounded by existing development or a road means that there is no opportunity for the development to encroach / set a precedent for further development adjacent to the Site. As such the encroachment is limited to just the Site itself, which is of a modest size.

5.15 The fact that the mature tree / hedge line (which will be retained) largely shields the proposed development further mitigates the impact on openness.

5.16 For the reasons set out above (which have been previously endorsed by the Council in the Plotland Study) it is submitted that the proposed development would only have a moderate impact on openness.

5.17 As set out in the Introduction above, the impact on openness has been reduced in contrast to the previous application and appeal with the current proposal seeking the development of two bungalows as opposed to five.

5.18 This section will now go on to explore the benefits of the proposed development, however it is worth emphasising at the outset that the following factors are particular to this application which were not present in the 2023 Appeal Decision:

- The Applicant will offer a **£20,000 contribution to the NHS** or any other scheme the Council deem appropriate.
- There will be an **occupancy condition** attached to each dwelling which restricts occupancy to those over the age of 55. This addresses a particular issue the Council faces in relation to meeting the needs of the elderly.
- Basildon Council have recently been written to by the housing Minister expressing concern in relation to the lack of implementation of their Local Plan. The December 2023 NPPF also places an even greater emphasis on

the need for an up to date Development Plan which the Council currently lacks and has no plans in place to address.

5.19 The above factors should be taken into account as material considerations when applying the appropriate planning balance and considering the weight to be attached to the 2023 Appeal Decision. The key factors are now examined in more detail below.

5.20 It is common ground that the Council has a chronic shortage of housing. Given the removal of the Emerging Plan the Council currently have no plans in place to address this deficit. At present the housing shortfall can only be addressed / mitigated through the granting of windfall sites such as the current Site.

5.21 There is a particular shortage of retirement homes constructed to Class M standard which this proposal seeks to offer. The shortage of retirement homes within the District has been highlighted in the currently pending application at Shepperds Tye³ where a 2021 study undertaken by Knight Frank commissioned by the applicants McCarthy Stone noted that:

- Projections suggest there will be a 12% increase in the 65+ population and a 20% increase in the 75+ population in Basildon between 2019-2029.
- The majority of existing seniors housing stock is age-restricted or sheltered housing delivered pre-2010.
- There are just two seniors housing schemes in the pipeline, neither of which have received planning permission.
- There is an estimated current shortfall of over 1,700 private seniors housing units in Basildon.

5.22 Not only will the proposed development provide for much needed retirement housing, it will also free up family dwellings due to future occupants likely to move out of larger two storey properties and downsize to the more modest single storey bungalows proposed by the Applicant.

³ 21/00580/FULL

5.23 There is a significant shortage of family housing across the District and this proposal will allow family housing to be freed up to assist in addressing this need and allow existing homes within the District to be more appropriately utilised.

5.24 In the appeal decision reference *APP/H2265/W/18/3202040* the Inspector placed:

- **Significant weight** to a retirement home scheme proposal, which not only made a contribution to housing supply, but also freed up market housing where the Council had not been able to meet their five year supply⁴.
- **Substantial weight** to the contribution the development would make towards the need for specialist housing for older people which has not been provided for in the current or emerging local plan.
- **Significant weight** to the health and well being of future occupiers.

5.25 In relation to the final bullet point above, the Applicant seeks to engage with the Council regarding a planning obligation in the form of a financial contribution of £20,000, which could be directed towards a scheme that assist future occupiers of the Site and other existing local residents. For instance it could be used to fund various items such as:

- A defibrillator (which would be accessible to all residents along Dry Street)
- A contribution to a bus stop near the Site
- Road improvements
- Contribution to doctor surgery
- Outdoor recreation facilities

5.26 As has been set out above, the Site constitutes low grade Green Belt Land given its enclosure by existing residential development. This position has been endorsed by the 2017 Plotland Study.

⁴ See paragraph 64

- 5.27 The Intervention Letter from the Rt Hon Michael Gove MP has highlighted concerns that the Council is vulnerable to speculative development. The Council's lack of housing and failure to have an up to date Development Plan in place means that high grade Green Belt land is vulnerable to development.
- 5.28 The granting of permission on low grade Green Belt land, such as this, therefore means that it is less likely that higher grade Green-Belt land will be developed on.
- 5.29 Based on there being only a moderate impact to openness and the positive factors outlined above which should carry significant or substantial weight, it is submitted that the balance clearly tips in favour of development which triggers the finding of VSC.

6. CONCLUSION

- 6.1 This Statement has been prepared in support of a planning application for two retirement bungalows.
- 6.2 This Statement has explained why the proposed development would only have a moderate impact on the openness of the Green Belt and that the positive factors that arise from the proposed development clearly and demonstrably outweigh this moderate impact.
- 6.3 Paragraph 38 of the NPPF encourages a positive and creative approach to decision making and we hope that the above statement has effectively demonstrated that this Site offers a positive opportunity to support.
- 6.4 This Statement sets out the planning rationale that underpins the proposed development and demonstrates its acceptability in planning terms.