

# Epping Forest District Council

## Chigwell Neighbourhood Plan

### Regulation 16 Publication Response

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Please notify me on the publication of the recommendations of the Neighbourhood Plan Examiner.

The entire CNP submission version does not accord with paragraph 202 of the NPPF, thus does not have adequate regard to national policies and advice contained in guidance issued by the Secretary of State.

Para 202 of NPPF states: “Neighbourhood Development Orders and Community Right to Build Orders require the support of the local community through a referendum. Therefore, local planning authorities should take a proactive and positive approach to proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination. Policies in this Framework that relate to decision-taking should be read as applying to the consideration of proposed Neighbourhood Development Orders, wherever this is appropriate given the context and relevant legislation.”

The proposed CNP is materially different from that which the local community was consulted on in 2016. Local planning authorities have not taken a proactive and positive approach to proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination. Furthermore the submission CNP refers to an out-of-date draft local plan, which has now been superseded, and is in any case still subject to examination.

The submission CNP pays no regard to the local plan currently in force, hence it is evident that the making of the neighbourhood plan cannot be shown to be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

CNP Draft Policy	Failure to Meet Basic Conditions
<p>CHG1 A Spatial Plan for the Parish</p>	<p>CHG1 fails to meet the following basic conditions required for a neighbourhood plan:</p> <ol style="list-style-type: none"> <li>1. Has regard to national policies and advice contained in guidance issued by the Secretary of State</li> <li>2. Contributes to the achievement of sustainable development</li> <li>3. General conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)</li> </ol> <p><u>Failure to have regard to national policies and advice contained in guidance issued by the Secretary of State</u></p> <p>Para 4.9 states that “plot sub-division needs to be handled carefully, following the design guidance of policies in this Plan and of the Essex Design Guide (2005)”.</p> <p>However NPPF paragraph 60 sets out that <i>“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”</i></p> <p>The suggested approach in the submission CNP is based on out-of-date guides and information. The Essex Design Guide of 2005 was published 13 years ago. The desire for weatherboard detailing in CHG8 is based on a survey from 1997, which after the passing of 21 years is now significantly out-of-date.</p> <p><u>Failure to contribute to the achievement of sustainable development</u></p> <p>CHG1 provides support for CHG2 and CHG3, which do not constitute sustainable development and require unnecessary release of and impact to Green Belt Land.</p> <p><u>Fails to conform generally with the strategic policies contained in the development plan for the area of the authority (or any part of that area)</u></p> <p>CHG1 is contrary to the Combined Local Plan (1998) &amp; Local Plan Alterations (2006). Specifically, policies GB1, GB2A and GB7A, all of which are consistent with the NPPF.</p> <p>CHG1 provides support for CHG2 and CHG3, which do not constitute sustainable development and require unnecessary release</p>

	of and impact to Green Belt Land, and are not included in the Local Plan Submission Version (LPSV).
CHG2 Rolls Park	<p>CHG2 fails to meet the following basic conditions required for a neighbourhood plan:</p> <ol style="list-style-type: none"> <li>1. Has regard to national policies and advice contained in guidance issued by the Secretary of State</li> <li>2. Contributes to the achievement of sustainable development</li> <li>3. General conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)</li> </ol> <p><u>Failure to have regard to national policies and advice contained in guidance issued by the Secretary of State</u></p> <p>The proposal for Rolls Park does not accord with NPPF paragraphs 79, 80, 87, 89 and 90 and there are no special circumstances to justify development here.</p> <p>The proposal for Rolls Park does not accord with NPPF paragraphs 30, 34, 35 and 38 and it does not promote sustainable transport choices.</p> <p>The special circumstances cited regarding the community hub are not sufficient to build on Green Belt Land. This has been established already by Epping Forest District Council, which roundly rejected the application to build the Chigwell Community Hub, on the basis that it would encroach and impact the outlook of Green Belt Land. The District Council has established that special circumstances do not exist for the Community Hub. They therefore cannot possibly exist for Rolls Park, whose “special circumstance” justification is funding for the proposed Community Hub.</p> <p>The Rolls Park proposition is in an unsustainable location. It is not served by public transport, it is not close to shops or other community assets, and it is in the middle of Green Belt Land, not at the edge. It is also superfluous to housing requirements; assuming the Local Plan Submission Version (LPSV) is adopted, Chigwell does not need the extra housing proposed. This development in the middle of Green Belt Land is very likely to result in sprawl outward to established local settlement.</p> <p>It is contrary to CNP policy CHG1: “Proposals for development of existing public open land or private open land that acts as an effective visual break in the urban form in these three locations will be resisted.”</p> <p>The ‘special circumstances’ put forward are spurious and do not outweigh the harm to the Green Belt and to its character and openness.</p>

Failure to contribute to the achievement of sustainable development

It is evident that a housing scheme that is not adequately served by public transport and is located in the middle of green belt land is unsustainable development.

To develop this site would set a perilous precedent for the whole stretch of agricultural fields between the site and the established settlement in Chigwell. It would compromise the openness of the Green Belt and would not safeguard the countryside from encroachment.

The very special circumstance regarding funding of the Chigwell Community Hub is completely spurious. In the Community Hub Assessment document it is set out very clearly in the conclusion on page 9 that:

*“However, CPC [Chigwell Parish Council] has stated in the section 4.16 of the CNP that without the benefit derived from the Rolls Park development ‘the Parish Council would not have made this proposal’. To ensure the long term sustainability of the project, plans for a Community Hub on this site should be developed and considered in separation to the planned development as this is a critical community facility which the community needs and which will bring significant benefits – CPC recognise this but it needs to be described and explained in more detail to residents. **Whilst this enabling development would make this project happen more quickly, CPC should ensure that plans for a Community Hub continue to be developed whatever the outcome of the development.**”*

It is evident that development of the Chigwell Community Hub must be considered separately from the development of Rolls Park.

Fails to conform generally with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

CHG2 is contrary to the Combined Local Plan (1998) & Local Plan Alterations (2006). Specifically, policies GB1, GB2A and GB7A, all of which are consistent with the NPPF. CHG2 also does not accord with Green Belt policy in the draft and submission versions of the Local Plan.

The development will diminish the rural character and openness of the landscape, contrary to policy CP2 (i, ii, iv, v,), LL1 and LL2.

	<p>It is contrary to the Local Plan Submission Version and is not an allocated site on the LPSV.</p> <p>It is also evident from plans that proposed access to the site does not meet Essex County Council Highway requirements for visibility splays. This causes significant harm to highway safety and efficiency and is contrary to current Local Plan Policy ST4 and proposed Local Plan Policy T1.</p>
<p>CHG4 Regenerating Limes Farm</p>	<p>CHG4 fails to meet the following basic conditions required for a neighbourhood plan:</p> <ol style="list-style-type: none"> <li>1. Has regard to national policies and advice contained in guidance issued by the Secretary of State</li> </ol> <p><u>Failure to have regard to national policies and advice contained in guidance issued by the Secretary of State</u></p> <p>The proposal for Limes Farm does not accord with NPPF paragraph 74 which states:</p> <p><i>Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</i></p> <ul style="list-style-type: none"> <li>• <i>an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</i></li> <li>• <i>the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</i></li> <li>• <i>the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.</i></li> </ul> <p>The proposal for Limes Farm does not accord with NPPF paragraph 76 which states: “<i>Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them.</i>”</p> <p>CHG4 has not adequately considered local consultation responses which are strongly against building on this public open space. All responses to the Draft CNP opposed building on the land at Limes Farm. The submission CNP does not reflect the strong community views regarding this site.</p>
<p>CHG5 Supporting Community Assets</p>	<p>CHG5 fails to meet the following basic conditions required for a neighbourhood plan:</p> <ol style="list-style-type: none"> <li>1. Has regard to national policies and advice contained in guidance issued by the Secretary of State</li> <li>2. Contributes to the achievement of sustainable development.</li> <li>3. General conformity with the strategic policies contained in the development plan for the area of the authority (or any</li> </ol>

part of that area)

Failure to have regard to national policies and advice contained in guidance issued by the Secretary of State

Outline planning permission for the Community Hub (EPF/2662/17) has already been refused by Epping Forest District Council on the following grounds:

Reason 1: The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. A Community Right to Build Order was not obtained prior to the submission of this application. The proposal also falls outside of all other exceptions to inappropriate development listed within paragraphs 89 and 90 of the NPPF. It is therefore inappropriate development in the Green Belt. In addition the proposal would result in a significant reduction in the openness of the Green Belt and would undermine the purpose of including land within it. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and other harm identified. **The development would therefore conflict with Chapter 9 of the National Planning Policy Framework and policy GB2A of the Combined Policies of Epping Forest District Local Plan and Alterations and policies SP6 and DM4 of the Submission Version.**

Reason 2: Notwithstanding the lack of information submitted in relation to the height, scale, layout and appearance of the proposed development, given the number of uses proposed and their location it is likely to be an incongruous and dominant feature which will be visible from a number of long views of the site. It will therefore seriously undermine the distinctive natural landscape character of this edge of settlement location and is incompatible with the character and low density of development in close proximity to the site. **It will therefore have a serious detrimental impact on the character and amenity of the surrounding area and as such is contrary to chapter 11 of the NPPF along with LL1, LL12 and CP2 of the Combined Policies of Epping Forest District Local Plan and Alterations and DM3 of the Submission Version.**

It is evident that the proposed hub does not accord with multiple aspects of the NPPF, and this has been clarified by the Council in its decision to refuse outline planning permission. There is no basis for this proposal to be included in the CNP. While it may be appropriate to establish new community facilities, proposals must be in accordance with the NPPF and should not be linked or entirely dependent on development at Rolls Park. A proposal for a community hub of one storey that respects the openness of the Green Belt and the Character of the Area should be proposed.

Failure to contribute to the achievement of sustainable development

Paragraph 14 of the NPPF sets out that at the heart of the National Planning Policy Framework is a presumption in favour of

sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. The fact that the Local Planning Authority has refused outline planning permission for the Community Hub (EPF/2662/17) unambiguously proves that the Community Hub proposed in CHG5 is not a sustainable development. The reasons for refusal are clear on this matter:

Reason 1: The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. A Community Right to Build Order was not obtained prior to the submission of this application. The proposal also falls outside of all other exceptions to inappropriate development listed within paragraphs 89 and 90 of the NPPF. It is therefore inappropriate development in the Green Belt. In addition the proposal would result in a significant reduction in the openness of the Green Belt and would undermine the purpose of including land within it. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and other harm identified. **The development would therefore conflict with Chapter 9 of the National Planning Policy Framework and policy GB2A of the Combined Policies of Epping Forest District Local Plan and Alterations and policies SP6 and DM4 of the Submission Version.**

Reason 2: Notwithstanding the lack of information submitted in relation to the height, scale, layout and appearance of the proposed development, given the number of uses proposed and their location it is likely to be an incongruous and dominant feature which will be visible from a number of long views of the site. It will therefore seriously undermine the distinctive natural landscape character of this edge of settlement location and is incompatible with the character and low density of development in close proximity to the site. **It will therefore have a serious detrimental impact on the character and amenity of the surrounding area and as such is contrary to chapter 11 of the NPPF along with LL1, LL12 and CP2 of the Combined Policies of Epping Forest District Local Plan and Alterations and DM3 of the Submission Version.**

Fails to conform generally with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

Outline planning permission for the Community Hub (EPF/2662/17) has already been refused on the following grounds, which show very clearly the strategic policies this proposal fails to conform with:

Reason 1: The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. A Community Right to Build Order was not obtained prior to the submission of this application. The proposal also falls outside of all other exceptions to inappropriate development listed within paragraphs 89 and 90 of the NPPF. It is therefore inappropriate development in the Green Belt. In addition the proposal would result in a significant reduction in the openness of the Green Belt and would undermine the purpose of including land within it. No very special circumstances or other

	<p>considerations have been advanced that would outweigh the harm caused by the inappropriateness and other harm identified. <b>The development would therefore conflict with Chapter 9 of the National Planning Policy Framework and policy GB2A of the Combined Policies of Epping Forest District Local Plan and Alterations and policies SP6 and DM4 of the Submission Version.</b></p> <p>Reason 2: Notwithstanding the lack of information submitted in relation to the height, scale, layout and appearance of the proposed development, given the number of uses proposed and their location it is likely to be an incongruous and dominant feature which will be visible from a number of long views of the site. It will therefore seriously undermine the distinctive natural landscape character of this edge of settlement location and is incompatible with the character and low density of development in close proximity to the site. <b>It will therefore have a serious detrimental impact on the character and amenity of the surrounding area and as such is contrary to chapter 11 of the NPPF along with LL1, LL12 and CP2 of the Combined Policies of Epping Forest District Local Plan and Alterations and DM3 of the Submission Version.</b></p> <p>-----</p> <p>The Local Planning Authority has made it abundantly clear that this development is not sustainable and it does not accord with national and local policies. On that basis the CNP (or at the least policies CHG2 and CHG5) should not be put to local referendum as it is established up front, by the LPA itself, that the basic conditions have not been met.</p>
<p>CHG8 Promoting Good Design in the Parish</p>	<p>CHG8 fails to meet the following basic conditions required for a neighbourhood plan:</p> <ol style="list-style-type: none"> <li>1. Has regard to national policies and advice contained in guidance issued by the Secretary of State</li> <li>2. Contributes to the achievement of sustainable development.</li> <li>3. General conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)</li> </ol> <p><u>Failure to have regard to national policies and advice contained in guidance issued by the Secretary of State</u></p> <p>NPPF core principle paragraph 17 encourages <i>“the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”</i>. The statement in CHG8 that <i>“proposals for plot subdivision to deliver flatted accommodation will not normally be appropriate”</i> contradicts the core principles of the NPPF.</p> <p>NPPF paragraph 50 requires delivery of a wide choice of high quality homes, to widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The majority of Chigwell is Green Belt Land and there are few sustainable</p>

locations in the parish. The few sustainable locations that do exist also have large buildings on large plots. CHG8 states that “the significance of larger buildings set in large plots to establishing the character of much of the Parish, whereby proposals for plot subdivision to deliver flatted accommodation will not normally be appropriate” As a result of this statement, the submission CNP significantly hinders achievement of NPPF paragraph 50 objectives.

NPPF paragraph 60 sets out that “*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*”

The submission CNP requires development proposals to have regard to “the use of weatherboarding and agricultural vernacular in the detailing of buildings”. This evidently imposes an architectural style and taste on future development.

Furthermore, the basis of this requirement is a survey that was performed in 1997. This is at least 21 years out of date and no longer reflects the character and distinctiveness of Chigwell in 2018. This aspect of CHG8 is based on out-of-date information and imposes architectural style. This does not accord with NPPF paragraph 60.

Failure to contribute to the achievement of sustainable development

Chigwell is predominantly green belt land, and development should come primarily from brownfield sites in sustainable locations. The statement that “proposals for plot subdivision to deliver flatted accommodation will not normally be appropriate” undermines the clear priorities set out in the NPPF that development should be encouraged on brownfield sites in sustainable locations. At the same time, the submission CNP promotes a development (CHG2) in the middle of green belt land, in an unsustainable location, well beyond the edge of established settlement.

Fails to conform generally with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

The original CNP that was consulted on showed strong support from residents for small scale developments that converted large houses to apartments, and opposed building larger developments on Green Belt Land. This feedback from the local community has been ignored.

CHG8 contradicts CHG1 which states that “proposals for the redevelopment of previously-used land, for infill development and for plot subdivision ... will be supported”, and “maintaining the Green Belt increases the pressure on the inset settlements and

	<p>urban areas of the Parish. There will continue to be opportunities for redeveloping brownfield land, for sub-dividing large residential plots and for infilling building frontages.”</p> <p>There are no policies in the Combined Local Plan (1998) &amp; Local Plan Alterations (2006) or draft Local Plan that proscribe plot sub-division or impose a specific architectural style as proposed in CHG8.</p>
<p>CHG10 Local Green Spaces</p>	<p>CHG10 fails to the basic condition for a neighbourhood plan to have regard to national policies and advice contained in guidance issued by the Secretary of State.</p> <p>NPPF Paragraph 76 states that <i>“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them”</i>.</p> <p>All responses to the Draft CNP opposed building on the land at Limes Farm. The submission CNP does not reflect the strong community views on this site.</p>