

NOTE: This Homework Note 30 (ED92) Version 2, dated 19 July 2019 supersedes HW 30 (ED92) dated June 2019. To clarify, HW 30 Version 2 contains an altered paragraph 9.

EPPING FOREST DISTRICT LOCAL PLAN

EXAMINATION HEARINGS

HOMEWORK NOTE 30 – VERSION 2

**MATTER 15: PLACES AND SITES (POLICIES P 1 - P 15) POLICY P 13
RURAL SITES IN THE EAST OF THE DISTRICT**

**ISSUE 2: ARE THE PLAN'S POLICIES FOR THE SPECIFIC PLACES
AND SITES WITHIN THE DISTRICT JUSTIFIED, EFFECTIVE
AND CONSISTENT WITH NATIONAL POLICY; AND ARE THE
SPECIFIC SITE ALLOCATIONS THEY INCLUDE JUSTIFIED
AND DELIVERABLE?**

**HW30: REVIEW OF DESIGNATION OF EXISTING
EMPLOYMENT SITE RUR.E11 (QUICKBURY FARM)**

1. The Council provides this note which concerns Matter 15, Issue 2, Policy P 13 (Rural Sites in the East of the District) and the Inspector's request that the Council review its designation of existing employment site RUR.E11 (Quickbury Farm). The request was made in light of the Representations by Sworders, acting on behalf of the landowner, Mr Watt.
2. Following the hearing, the Council has given further consideration to Mr Watt's Regulation 20 Representations (Ref: 19LAD0024) concerning site RUR.E11 and the planning history of the site. On 20 June 2019, Council officers carried out a site visit accompanied by the landowner.
3. The Council recognises that the use of Quickbury Farm for employment purposes (within Class B) has been an incremental process that began in the 1990s. The recent site visit confirmed that active employment (Class B) uses are taking place in some of the buildings on the land, whilst others are being used for purposes related to agriculture.

4. The Council also confirms that the disposition of the uses currently taking place on the site generally accords with the information included within Mr Watt's Regulation 20 Representations (19LAD0024), including drawing no. 217479DWG001 which shows the land and buildings in agricultural use. Moreover, the Council accepts that Mr Watt's Regulation 20 Representations state that combined floor area of the buildings currently in Class B use totals 2,995 sqm.
5. Mr Watt's representations also state that 51% of the building footprint within the designated employment area at Quickbury Farm remains in agricultural use, compared to 49% of premises in commercial employment use. The Council broadly agrees with that statement but does not accept that those circumstances necessitate any change to the designation of the site for employment in the LPSV.
6. The Council's methodology for the Employment Land Supply Assessment (EB602) does not stipulate that a certain proportion of a site is required to be in active employment (Class B) use to justify its designation for employment. Rather, each site was subject to appraisal which, as necessary and appropriate, included an assessment of the character and lawfulness of the current use of the site. The materiality of any change in the use of any land or buildings requires a comparative assessment of the character of the former and current uses that, quintessentially, is a matter of planning judgement. As such, the evidence base informing the preparation of the LPSV identifies the sites which make a material contribution to the District's existing stock of employment (Class B) floorspace.
7. The approach advocated by the owner of Quickbury Farm demonstrates, in very stark terms, that policies and designations to protect against the loss of existing employment floorspace in the District are justified. Put simply, the landowner objects to the designation of Quickbury Farm as an employment site because it would unduly restrict his ability to develop the land; contrary to paragraph 90 of the NPPF regarding the re-use of buildings and previously developed land in the Green Belt.
8. That objection is misconceived for the following reasons:
 - (a) Paragraph 90¹ of the NPPF specifies the other forms of development, including "[t]he re-use of buildings provided that the buildings are of permanent and substantial construction" which are not inappropriate in the Green Belt provided

¹ National Planning Policy Framework, paragraph 147

they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt;

- (b) The designation of site RUR.E11 as an existing employment site is not relevant to whether the re-use of a building is not inappropriate development;
 - (c) Properly construed, the scope of paragraph 90 of the NPPF is very narrow and its relevance is limited to specifying those other forms of development that are not inappropriate development in the Green Belt;
 - (d) The unqualified reference to "the re-use of buildings" in paragraph 90 of the NPPF must be considered in context. For the purpose of ascertaining whether the re-use of buildings is not inappropriate development, the purpose to which the building is being re-used is irrelevant; any re-use of building is not inappropriate development, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt;
 - (e) It must follow, therefore, that the unqualified reference to "the re-use of buildings" has no relevance to national planning policy, beyond the scope of paragraph 90 of the NPPF and, contrary to the landowner's contention, paragraph 90 cannot be construed as allowing the re-use of buildings in the Green Belt for other purposes;
 - (f) Whether or not the re-use of buildings on site RUR.E11 is not inappropriate development, the determination of any planning application would require the assessment of the effect of the proposed development on other relevant interests of acknowledged planning importance, which quite properly, should include the loss of employment (Class B) floorspace, whether or not the site is designated;
 - (g) Accordingly, the designation of the land as an existing employment site would not be contrary to national planning policy, as the landowner asserts, or at all.
9. The landowner's representations confirm his interest in the potential redevelopment of site RUR.E11 for non-commercial purposes, putting the retention of the existing employment (Class B) floorspace at risk. Mr Watt's attempts to avoid the designation of site RUR.E11 as an existing employment site, his objection to Local Plan policies that would restrict the future redevelopment of the site (including for non-commercial purposes), together with the scope for the re-use of existing buildings, or the

redevelopment of previously developed land (which are not inappropriate development in the Green Belt), demonstrate the compelling justification for protecting the Class B employment floorspace on site. The landowner's private interests should not override the public's interests in protecting existing employment (Class B) floorspace on the site.

10. For the reasons set out in this note, the Council maintains that it is justified to designate RUR.E11 (Quickbury Farm) as an existing employment site under LPSV Policy E 1, recognising the contribution made by the existing Class B Use premises within the site to the District's current Use Class B employment stock. The Council's approach to employment land within the LPSV is to protect and enhance existing employment sites and premises within the District, together with the allocation of new employment sites to provide sufficient land to meet future needs within the District and ensure sufficient flexibility.
11. It is important to emphasise that Policy E 1 provides protection specifically to existing premises in Class B, or Sui Generis Use, of an employment nature within such rural employment sites. Taking account of the issues addressed in this Note, for clarification the Council proposes a new addition to the supporting text to Policy E 1 as follows (Note: the first sentence below is moved from the end of Para 3.44):

“3.45 The Council supports the development of the rural economy in the District. This includes the designation of existing rural employment sites in the District. In its designation of these sites, the Council acknowledges that many have developed over time through the diversification of traditional farmsteads and thus retain agricultural and non-B Use Class uses. In such cases, the designation protects the existing B Use Class employment premises and Sui Generis Uses of an employment character within these sites.“

12. The Council considers that its approach to rural employment sites, including the proposed addition above for clarification, is consistent with paragraph 28 of the NPPF. Indeed, this is referenced directly within paragraph 3.35 of the LPSV.