

## Examination in Public of Epping Forest District Local Plan 2011-2033

### Hearing Statement relating to:

#### **MATTER 16: Development Management Policies**

Submitted by:

Dr John Warren – Chair: Theydon Bois Action Group

#### **Policy DM4: Green Belt**

We are unhappy with the lack of specificity in this important policy, particularly in the light of Epping Forest District comprising of over 92% Green Belt land. DM4 essentially repeats policy in the NPPF but does not duplicate it entirely. However, the NPPF is a *framework* and this is made clear in the first paragraph (NPPF 2012), which states:- “It provides a framework within which local people and their accountable councils **can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.**” Policy DM4 fails to achieve this objective and merely points to the NPPF, which in turn at paragraphs 1 and 2, point to the importance of Local Plans in reflecting local distinctiveness and as a material consideration in planning decisions. This lack of specific local plan policies in DM4, is somewhat akin to a “Catch 22” scenario, in that the SVLP local plan Green Belt Policy points to the NPPF and the NPPF in turn stresses the importance of local plans.

In the light of the above, we contend that Policy DM4 is not fit for purpose and is unsound, because unlike the current EFDC Local Plan (1998 & 2006) it does not contain specific, codified policies or criteria which address local conditions and distinctiveness in Epping Forest District. We wonder if EFDC have chosen to ignore previously tried, tested and published, individual Green Belt policies for reasons of expediency and flexibility on their part, but we are very concerned that in the absence of detailed policies, planning officers could well make up their own planning criteria “on the hoof” and there will be variations between individual planning officers as there are no specific, individual,

consistent and coherent planning policies or guidance contained within Policy DM4. One might envisage that this situation could result in more time and resources then being spent on subsequent actions such as, appeals to the Planning Inspector or SoS, “calling in” planning decisions, or Judicial Reviews, all of which would delay the planning process and actual build rate.

After the publication of the NPPF in March 2012, EFDC’s Counsel, Mr Mark Beard, carried out a comprehensive review of existing local plan policies to ascertain their compliance or otherwise against the NPPF. Those which were not compliant were no longer to be used in development management decisions. Those found to be compliant would continue to be used until they were overtaken by the adoption of the new Local Plan and, indeed, these compliant policies, which have stood the test of time, are still being given weight by the Planning Inspector in recent appeal decisions.

Mr Beard’s Report (Ref: LPC-011-2012/13) was presented to the Local Plan Cabinet Committee on 25<sup>th</sup> March 2013 and subsequently to Cabinet. Theydon Bois Action Group would ask that all Green Belt and related policies which were found to be compliant with the NPPF, should form part of SVLP Policy DM4. We would specifically ask for the retention of :-

Policy GB4 – Extension of residential curtilages

Policy GB7A – Conspicuous Development

Policy GB15A – Replacement dwellings

Policy DBE4 – Design in the Green Belt

We contend that SVLP Policy DM4 is unsound in its present form.

### **Policy DM3 / DM7: Landscape Character... / Heritage Assets**

We are concerned by the lack of policy relating to historic protected lanes. Coopersale Lane in Theydon Bois is one such protected lane which features on the Chapman and Andre map of 1777. Our existing Local Plan includes Policy HC4 which states that:- *“The Council will not grant planning permission for any development which would damage or be detrimental to the historic or landscape character of Protected Lanes.”* We note that the Planning Inspector has recognised the importance of this protected lane in appeal decisions regarding development proposals in Coopersale Lane.

We contend that the existing Policy HC4 should be included in Policy DM3 or DM7.

## **Policy DM12: Subterranean, Basement Development and Lightwells**

We are concerned that Policy DM12B(ii) will allow basement development to occupy up to 50% of the garden area. We assume that this percentage has been “rolled over” from the GPDO for above ground, low level development? However, for the GPDO the garden buildings must have a use “incidental” to that of the house and furthermore, the buildings must not be connected to the house. DM12 as proposed, fails to meet both of this prerequisites as the basement is connected to the main house and also it can have a habitable usage. We would challenge the 50% figure and consider that up to 10% would be more appropriate. We consider, at the very least, this 10% figure should be applied to basement developments in the Green Belt and further size limitations also made in respect of large residential curtilages: ref DM12G. We regard it as essential that the scale of basement development in the Green Belt be clearly subordinate to the size of the building and not the size of the plot (large) of Green Belt land. We are concerned about the over intensification of land use due to large basements in the Green Belt and the **encroachment** into the Green Belt. We note that in the past, EFDC officers and councillors have taken a position that—if it can’t be seen it doesn’t matter because it doesn’t spoil the (visual) openness of the Green Belt. We note that on appeal some Planning Inspectors take, what is in our opinion the correct stance, that the proposed basement will increase the size of the house which, if excessive, would be contrary to Green Belt policy in the NPPF.

In the light of our comments above, we contend that SVLP Policy DM12 is unsound in its present form.

Dr John Warren

Chair, Theydon Bois Action Group

18th February 2019

