

Hearing Statement for the Examination in Public of the Epping Forest District Local Plan (2011–2033)

MATTER 16: Development Management Policies

Submitted by: Ms Elizabeth Burn

Date: 20th February 2019

Further to the email forwarded by Mrs Louise St John Howe, on 20th January 2019, please find below a brief Hearing Statement, based on my representation made at the time of the earlier Regulation 19 Consultation on the Submission Version of the Epping Forest District Local Plan (2011–2033).

I note that the Planning Inspector has included me as one of the participants during the consideration of ‘Matter 16: Development Management Policies’ (Day 9: Tuesday 26th March 2019), and am grateful to have the opportunity to speak, should this be considered relevant to the discussion. However, at this time, I have not seen Epping Forest District Council’s Response to the Planning Inspector’s ‘Matters, Issues and Questions’ (Development Management Policies), so it may be that some of my comments, and those of other interested parties, have already been taken into account. I would only then request to speak if the Planning Inspector feels it would be helpful for me to do so.

As background to my comments, I am a local resident who, having lived in the District for most of my life, previously participated in the ‘Issues and Options Consultation’ in 2012, and the ‘Draft Local Plan Consultation’ in 2016. I’m also involved with a number of community-based groups, but would wish to state that the views expressed below are entirely my own, since this is an individual response, and not one which is intended to reflect the opinion of any other party.

Following on from my previous representation, my further observations are detailed below, as follows:

Development Management Policies:

DM 4 Green Belt

I note the Planning Inspector’s Question No.7, which states: *This policy essentially repeats policy in the NPPF, but does not duplicate it entirely. Is it intended to do anything different? If not, would it avoid duplication/confusion to state that*

development will protect the purposes of the Green Belt in the manner required by national policy?

I would express many of the same concerns I raised at the time of the Draft Local Plan Consultation in 2016, with respect to the absence of any detailed policies on Green Belt. Although Epping Forest District Council ('EFDC') may need to argue that 'exceptional circumstances' exist to remove some sites from that designation, in order to meet the Objectively Assessed Housing Need, much of the land within the District will remain within the Green Belt, being still retained, predominantly, in productive agricultural use, with some associated diversification, existing B1 or B8 uses, or equine-related activities. A number of smaller hamlets are also 'washed over' by Green Belt.

However, if 'inappropriate development' within the Green Belt is 'harmful by definition' then any development that IS allowed – either because it falls into one of the limited number of exceptions, by being then 'not inappropriate', or by way of 'very special circumstances' – should, I would suggest, be assertively 'managed' within clearly defined criteria.

I also believe that I am correct in saying that it falls within the remit of the Local Authority to construct Local Plan policies which, whilst being compliant with those of the NPPF, may add more specific criteria, in order to establish a detailed, informed and consistent policy document to assist Officers and Councillors, when determining applications at a local level.

Importantly, a Local Plan is also, in effect, a 'working document' ie: it needs to be clear, concise and transparent to all those who wish to utilise the planning process – including those deemed to be stakeholders and/or consultees. It is supposed to provide policies which are readily 'accessible', even by those who are not planning practitioners and, in particular, to those who are applicants, agents and interested parties.

With respect to the 'replacement of buildings', there would generally be criteria included with respect to the extent (if any) that they may be replaced by a 'materially larger' building – with some indication as to how this would be assessed (in EFDC's Current Local Plan the focus has tended to be on 'volume', but those of significantly greater footprint, and/or height, have also been deemed 'inappropriate', since such increases would impact negatively on the 'openness' of the Green Belt).

Increases in the size of residential curtilages have also been resisted, as these, along with the addition of garden paraphernalia, tend to lead to a greater 'urbanisation' of the rural landscape.

With respect to 'extensions' to residential buildings, it is not uncommon to see, within a Local Plan, some indication as to what would be deemed to 'result in disproportionate additions' – and, again, this is often interpreted in terms of volume, footprint, height and bulk, especially when the resulting structure would also be visually conspicuous.

Reference, within the supporting text, to a definition for 'limited infilling' is a useful addition, and would appear to be one which is consistent with that utilised by a number of other Local Authorities. However, there is no consideration given to aspects which EFDC is often required to consider during the application process, including: the provision of agricultural workers' dwellings, conversion of existing buildings to other use classes, facilities for outdoor sport and recreation, equestrian activities and/or private stabling, and the design of boundary treatments or other structures within existing residential curtilages, where more specific policy criteria are presently set down in the Current Local Plan.

Personally, I would be of the view that setting such assessment criteria does not compromise the ability of the decision-maker to determine each application on its own merits, nor in accordance with any other relevant policies, but rather allows for a consistent approach, since, without at least some criteria set out in policy, the evaluation can become highly subjective.

It is not a case of setting actual dimensions, but of detailing those aspects that will be taken into account when Officers make the initial assessment, and/or offer pre-application advice.

Having viewed a number of Development Plans from other Local Authorities, the approach presently taken by EFDC, on this important aspect of policy, does not seem justifiable, nor effective in terms of day-to-day management – particularly since some 92% of the District will remain within the Green Belt during the Plan period.

If the concern is that the Government may update the policies within the NPPF from time to time, then this possibility is already foreseen within the Framework, as Local Authorities are expected to have in place the mechanism to review their Plans within a timely schedule.

I believe it would be preferable to have some guidance incorporated into the Green Belt Policies now, even if this has to be by way of a Supplementary Planning Document ('SPD'). I believe that other local authorities have taken this approach, including, most recently, Guildford Borough Council (Submission Local Plan: Main Modifications, September 2018: Policy 4.3.19), and the Royal Borough of Windsor and Maidenhead (Borough Local Plan, 2013–2033, Submission Version: Policy 6.8.8), respectively.

DM 9 High Quality Design

Separately, on the issue of Supplementary Planning Documents, I note that no mention is made to the 'Essex Design Guide' (2005) in the Evidence Base. Was it intended to provide any 'Key Evidence' on this policy, and that of DM 10: 'Housing Design and Quality' ?

As part of the Local Plan process, other Local Authorities have prepared detailed 'Design Guides' as Supplementary Planning Documents, which are specific to their District or Borough, and there are a number of aspects on which EFDC presently remains silent, having provided no such guidance, nor reference to any forthcoming SPDs.

Should not 'Housing Design and Quality' include consideration of the design and layout of further types of accommodation, including the residential sub-division of dwellings, specialist housing, the conversion of buildings in other uses to residential, and the design of ancillary accommodation such as 'granny annexes' ?

Whilst consideration of the latter may, if managed effectively, contribute to the provision of housing for dependent relatives, the construction of detached outhouses within residential curtilages remains contentious, especially where such policies put in place by other Local Authorities seek to safeguard the amenity of neighbouring properties by securing both a structural and function link between the two buildings. Neither with respect to the urban environment, nor within the Green Belt, has the Council presently given consideration to this aspect of development management.

Finally, if EFDC intends to adopt a new 'Design Guide' /SPD when will it be available, and will there be an opportunity for public consultation on this document ?