



APRIL 2019

Hearing Statement

Epping Forest Local Plan: Examination in Public

Matter 11

Iceni Projects Limited on behalf of
Tele Lands Improvement Limited

April 2019

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ON BEHALF OF TELE LANDS
IMPROVEMENT LIMITED

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Hearing Statement
EPPING FOREST LOCAL PLAN: EXAMINATION IN
PUBLIC

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1. MATTER 11: HOUSING

Issue 2: Will Policy H2 be effective in securing the delivery of sufficient affordable housing of an appropriate type and size? Are the requirements for affordable housing provision from market sites justified by reference to evidence of development viability?

Q1. Paragraph 3.9 states that 2,851 affordable homes are required over the period 2016-2033. How many is the Plan aiming to provide as a result of Policy H2? If the requirement for 2.851 would not be met, has consideration been given to increasing the total housing requirement to help delivery more? Should the number of affordable homes expected to be delivered over the Plan period be specified in the policy for monitoring purposes?

Q2. Harlow DC has expressed concern that the Plan is silent on the matter of addressing unmet need for affordable housing in Harlow. What is the detail of this concern and is it an issue for the Plan?

- 1.1 As identified in our Matter 3 Hearing Statement, we have significant concerns regarding the assessment of affordable housing need in the July 2017 Strategic Housing Market Assessment (SHMA) as it likely underestimates the level of affordable homes required across the District.
- 1.2 Furthermore, Harlow Council raise concerns regarding their unmet affordable housing need and the SVLP is silent on this issue. As such, this matter is likely to further increase the affordable housing requirement across the SHMA.
- 1.3 We consider that the OAN for District, as well as the SHMA, does not adequately consider affordable housing need and is likely to result in significant under provision in the long term. We consider that significant further work is required to determine the true affordable housing need in the District, and that this could have significant implications for the OAN and proposed spatial strategy of the SVLP.

Q7. Is Part C justified in generally requiring the mix of affordable homes to reflect the mix of market housing? Would this meet the specific needs of those requiring affordable housing? Would it produce unnecessarily large houses that would not be genuinely affordable?

- 1.4 Lands Improvement have similar concerns with Part C as there is no evidence to suggest that the affordable housing mix should follow that of the market housing mix. In fact, Table 1 below shows that apart from three bedroom houses comprising the greatest need for both market and affordable dwellings (50.5% and 36.9% respectively), the required affordable housing mix breakdown is drastically different to the market housing mix, with smaller units of two bedrooms or less making over half the required affordable housing mix (54.1%) compared to only 23.5% for market housing. Therefore, requiring developments to deliver affordable housing in line with market housing mix would result in a disproportionate number of larger affordable units being delivered, and this will not meet

the need for smaller affordable units identified in the SHMA. This part of Policy H2 is therefore not justified and needs to be modified to reflect the SVLP evidence base.

Table 1: Epping Market and Affordable Housing Need¹ based on Figure 76 SHMA 2015 (**EB405B**)

Housing Type		Market No.	Market %	Affordable No.	Affordable %
Flats	1 bed	430	5.3%	570	17.8%
	2+ bed	450	5.6%	450	14.1%
Houses	2 bed	1,020	12.6%	710	22.2%
	3 bed	4,090	50.5%	1,180	36.9%
	4 bed	1,580	19.5%	310	9.7%
	5 bed	8,100	6.3%	-	-
TOTAL		8,100		3,200	

Issue 3: Is Policy H3 clear and effective?

- 1.5 Lands Improvement considers that Policy H3 is generally clear and effective, and appropriately outlines the requirements for rural exception sites. However, part A(ii) does not appear to be consistent with appeal decisions in the District which have determined that sites within a ribbon of development towards the periphery of a built-up area should be regarded as within a village and can therefore be classified as a rural exception site (**Appendix A1**) We therefore recommend that Part (ii) of this policy is reworded accordingly.

¹ Based on Figure 76 of SHMA 2015 (**EB405B**) and Table 11 of Housing Implementation Strategy 2017 (**EB410**). It is noted that these figures have not been updated in any of the subsequent SHMA or Housing Implementation Strategy released for the SVLP.

A1. INFILL DEVELOPMENT APPEAL DECISION



The Planning Inspectorate

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Customer Services: 0303 444 5000

Theresa Parker
Epping Forest District Council
Planning Services
Civic Offices
323 High Street
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CM16 4BZ

Your Ref: EPF/0288/13
Our Ref: APP/J1535/A/13/2198529
Date: 4 September 2013

Dear Ms Parker

Town and Country Planning Act 1990
Appeal by Mr David Applegate
Site at Rosedale, Hornbeam Lane, London, E4 7QT

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Stephen Adgey

COVERDL1



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<http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Appeal Decision

Site visit made on 19 August 2013

by Simon Miles BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 September 2013

Appeal Ref: APP/J1535/A/13/2198529

Rosedale, Hornbeam Lane, Sewardstonebury E4 7QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Applegate against the decision of Epping Forest District Council.
 - The application Ref EPF/0288/13, dated 21 January 2013, was refused by notice dated 5 April 2013.
 - The development proposed is demolition of existing property and erection of two detached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing property and erection of two detached dwellings at Rosedale, Hornbeam Lane, Sewardstonebury E4 7QT in accordance with the terms of the application Ref EPF/0288/13, dated 21 January 2013, subject to the conditions set out in the attached Schedule, which forms part of this decision.

Main Issues

3. These are whether the proposed development would constitute inappropriate development in the Green Belt for the purposes of national policy and development plan policy and, if so, whether the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal relates to Rosedale, a detached dwelling occupying a spacious plot situated in Hornbeam Lane on the outskirts of the rural settlement of Sewardstonebury. The site is within the Metropolitan Green Belt. In such cases saved Policy GB2A of the adopted Epping Forest District Local Plan 1998 and adopted Local Plan Alterations 2006 (LP) will not permit the construction of new buildings unless certain criteria are satisfied. In particular, new dwellings are limited to agricultural, horticultural or forestry worker's dwellings and replacement dwellings. Clearly the proposal does not satisfy these criteria.
 5. However, the Council's LP is out of date and, in accordance with Annex 1 of the National Planning Policy Framework, the weight to be accorded to the existing
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plan depends on the degree of consistency with the Framework. In this case, having regard to the approach set out in paragraph 86 of the Framework, there is no evidence to indicate that the village is not included in the Green Belt. Nevertheless, paragraph 89 of the Framework makes it clear that limited infilling in villages is one of the exceptions to the general presumption that the construction of new buildings should be regarded as inappropriate in the Green Belt.

6. Saved LP Policy GB2A is not consistent with the Framework in this respect and, as such, the weight that can be accorded to it is significantly reduced. I will therefore follow the approach set out in paragraph 89 of the Framework. For the avoidance of doubt, this is not a previously developed site, as private residential gardens are excluded from the government's definition of previously developed land. My assessment therefore turns on whether the proposal constitutes limited infilling in the village.
7. These matters are not addressed in the LP and must therefore be assessed on their merits. The Council accepts that Sewardstonebury may be an appropriate location for infilling and, furthermore, that infilling has already been permitted in this area. The Council nevertheless argues that sites are only suitable for infilling where they are surrounded on three or four sides by existing development.
8. However, in my experience, many villages are linear in character and do not necessarily conform to such a definition. In the case of Hornbeam Lane, there is a ribbon of housing development which, whilst restricted to one side of the road, runs continuously from the junction with Bury Road up to the point, some way beyond Rosedale, where the lane narrows. This indicates to me that the site, whilst towards the periphery of the built-up area, is within the village. Furthermore, given that the proposal would infill the gap provided by the unusually wide plot of Rosedale, the proposal may reasonably be regarded as infilling. It follows that the proposed development would not constitute inappropriate development in the Green Belt for the purposes of the policies set out above.
9. In other respects, the site is large enough to accommodate the proposed dwelling in a manner that would be consistent with the spatial characteristics of the street scene, whilst the design would be appropriate to the traditional form and character of existing development. Therefore, allowing for the fact that limited infilling in villages is not inappropriate, there would be no significant harm either to the open character of the Green Belt or the character and appearance of the area.
10. The relative position, orientation and separation of the existing and proposed dwellings are such that no significant harm would be caused to the living conditions at neighbouring properties. Indeed, my observations indicate that the proposal would be broadly consistent with the general standards of the area. Appropriate provision would be made for car parking and I see no reason why the development, given its small scale, should have any significant adverse effect on traffic conditions locally. Any disruption caused during construction would be of limited duration and would not provide a good reason to withhold permission.

11. The existing dwelling, whilst attractive enough, does not warrant retention for reasons of architectural or historic interest. There is no reason why approval here should create an undesirable precedent, as each proposal must be assessed on its merits. Similarly, whilst noting the other cases mentioned by the Council, these are in a different location and the detailed circumstances are not comparable.
12. This leads me to conclude that the proposed development would not constitute inappropriate development in the Green Belt. No significant harm would be caused in other respects. Given my findings no further justification is required. It follows that the appeal should succeed. In addition to the standard time limit, it is necessary that the development should be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
13. A condition is necessary in relation to materials in the interests of the character and appearance of the area. Conditions relating to wheel washing, the provision of vehicular access and the disposal of surface water are justified in the interests of highway safety. A further condition is justified for reasons of amenity to ensure satisfactory provision for foul and surface water drainage. I will also impose a condition in the interests of residential amenity to require the fitting of obscure glazing to windows in the side elevations. However, this need apply only to the first floor bathroom windows and need not control the opening of the windows, given the limited potential for overlooking.
14. Construction hours are controlled under other legislation and need not be the subject of a planning condition. Given that this is not a significantly sloping site, there is no need to require the submission of detailed information about levels. The minor nature of the development does not justify measures in relation to residential travel planning. Permitted development rights should only be removed exceptionally and, particularly as I have found the development to be consistent with the spatial standards of the area, I see no justification for doing so in this instance. Where appropriate, I have amended the Council's suggested wording to accord with the national advice.

Simon Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AHL 01, AHL 02, AHL 03, AHL 04, AHL 05, AHL 06, AHL 07 and AHL 08.
- 3) No development shall take place until details of the types and colours of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development, including any works of demolition, shall take place until a method statement setting out the provision to be made for wheel washing of vehicles leaving the site during construction works has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved method statement throughout the construction period.
- 5) The new vehicular access and cross-over shall be constructed in accordance with the details shown on the approved plans prior to the first occupation of the development hereby permitted.
- 6) Prior to the commencement of development details of the measures to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the local planning authority. The measures shall be installed as approved prior to the first occupation of the development hereby permitted and retained as such thereafter.
- 7) No development shall take place until details of the systems for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. Those systems shall be installed as approved prior to the first occupation of the development hereby permitted and retained as such thereafter.
- 8) The first floor bathroom windows in the side elevations of the dwellings hereby permitted shall be fitted with obscured glass and retained as such thereafter.