



STATEMENT OF CASE

CASTLE POINT BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Town and Country Planning (Inquiry Procedure) (England) Rules
2000

Appellant: Countryside Partnerships (Eastern Home Counties)

Address: Land at Brook Farm, Daws Heath Road,
Hadleigh, Essex, SS7 2UD

Development Description: Construct 173 No. dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings

Planning Application Reference: 22/0484/FUL

Planning Appeal Reference: APP/M1520/W/24/3351658

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1.0 INTRODUCTION

- 1.1 This Statement of Case is submitted on behalf of the Local Planning Authority to set out the particulars of Castle Point Borough Council's (CPBC) case in response to the planning appeal (ref APP/M1520/W/24/3351658).
- 1.2 The appeal site is Land at Brook Farm, Daws Heath Road, Hadleigh, Essex, SS7 2UG (the Site), which is described in detail in the officer committee report (Appendix 1) as well as in the numerous documents attached to this appeal. This information will therefore not be duplicated for the purposes of this statement, other than to confirm the site is located entirely within the Green Belt.
- 1.3 The relevant planning history is set out in the officer committee report pertaining to planning application ref 22/0484/FUL to '*construct 173 No. dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings*' (the Proposal); a summary of consultation and third-party responses is also provided within that report.
- 1.4 The officer report was presented to the Development Management Committee (DMC) on the 19th of March 2024 with a recommendation to refuse. Members of the DMC subsequently agreed with the officer recommendation and refused the Proposal for a single reason:

'The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework 2023. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated which either in isolation or in combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework'.

- 1.5 A list of planning conditions and other obligations will be discussed and agreed between the main parties and included in the final Statement of Common Ground.
- 1.6 CPBC will call a planning officer and landscape consultant as witnesses in support of its case.

2.0 CURRENT RELEVANT POLICY

2.1 Adopted Local Development Plan

- Castle Point Local Plan (adopted November 1998, reviewed in September 2007) - Relevant policies of the plan relating to the green belt have not been saved, save for the fact that the Site Green Belt. Therefore, the Proposal must be assessed against NPPF Green Belt Policy.

2.2 National Policy

- National Planning Policy Framework 2023 (NPPF).

2.3 National Guidance

- Planning Policy Guidance 2019 (PPG) – Green Belt.

2.4 This Statement of Case is drafted based on the current (2023) version of the NPPF. On 30 July 2024 the Government published the NPPF draft text for consultation. At present the draft revised NPPF carries limited weight. Should a new updated NPPF be published prior to the inquiry CPBC will address that through their evidence.

3.0 CPBC Position

- 3.1 The National Planning Policy Framework 2023 (NPPF) at paragraph (P)152 states *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. It is anticipated that it will be agreed in the SOCG that the proposal represents inappropriate development in the Green Belt, as the Appellant have previously accepted this. P153 adds that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 3.2 CPBC maintain the Proposal would erode Green Belt openness and therefore interfere with several of the five purposes of including land within it (as shown in P143 NPPF). Principally, to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment. However, the parties differ as to the level of interference that realisation of the Proposal would cause in terms of its impact on openness of the Green Belt and therefore to what extent Green Belt purposes would be affected.
- 3.3 CBPC will show that the Site strongly maintains its Green Belt purpose(s). Helpful background information is available in the Castle Point Borough Green Belt Review 2018 (Part 2) (Appendix 2 Pages 86-88), produced by the Council to provide an objective, evidence-based assessment of how relevant land parcels contribute to preserving the Green Belt.
- 3.4 A site specific Green Belt Assessment was also undertaken by CPBC as part of a site-specific assessment of the Proposal. This is contained in Appendix 1 (pages 82-100) to the officer committee report.

- 3.5 CBPC will refer to the review in its proof of evidence, demonstrating that the Site strongly contributes to checking unrestricted sprawl. The review recognises that the Site is generally free of development considered inappropriate in the Green Belt and functions as a gap between two settlements, contributing to the prevention of coalescence, increasing its overall sensitivity.
- 3.6 CBPC will show that the Site prevents neighbouring towns merging into one another. Given the existing development within the Green Belt along Daws Heath Road, the Proposal would erode the open land between Hadleigh and Daws Heath along Daws Heath Road to the point where the general perception would be that these urban settlements had merged. While the Proposal would not result in the physical or visual merging of settlements, it would form a sizeable extension to the existing built form to the north and west of the site, inevitably leading to some encroachment on the countryside. In its proof of evidence, A Landscape Sensitivity Assessment (LSA) conducted by Essex Place Services in September 2024 (Appendix 3) to show the value of the site, in terms of its contribution to landscape value and the Green Belt.
- 3.7 CPBC is of the view that visual openness is affected by several factors, and these include screening by existing features such as landform and woodland, the extent of existing development and infrastructure already in the view, and by the opportunity for people to experience or perceive views by accessing the area. There are features in and around the Site that limit views into it and therefore an appreciation that the ability of visual receptors to perceive any visual openness are also relatively limited. ‘Openness’ is generally described as the absence of development and Planning Policy Guidance 2019 (PPG) on Green Belt indicates that that defining openness requires an assessment based on the circumstances of the case. The courts have identified several matters which may need to be considered in making this assessment. Openness can have both spatial and visual aspects; other factors could include the duration of development and activity generated such as traffic.
- 3.8 CBPC, in their evidence, will refer to the Supreme Court judgement in respect of *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council*

[2020] and *Sales LJ in Turner [2016] EWCA Civ 466* which show that the concept of openness is a broad policy concept with the fundamental aims of Green Belt policy referred to above. The courts held that visual effects can be a consideration in determining a development's impact on openness. This matter will be explored in more detail and applied to the appeal case in the Council's evidence.

- 3.9 The Proposal would still result in a significant uplift of built form and therefore represent substantial loss of, and harm to, the openness of this part of the Green Belt in spatial terms and visual. The site is generally well contained; however, views into the site are possible from some localised vantages. Due to its large bulk, mass and scale the development would appear as a large and intrusive feature on aspects of the Site, currently undeveloped. Notwithstanding its screening and general containment, realisation of the Proposal would result in a clear visual intrusion albeit it is accepted that not all parts of the Site would be developed, and the effects on visual openness would in any case be more limited in extent beyond the site itself.
- 3.10 The concept of openness does not relate solely to visibility or visual harm but to the absence of building and development. It follows that openness can be harmed even when development is not readily visible from the public domain. The introduction of a significant amount of new built form where there previously was none would result in some spatial impact and reduce openness. Accordingly, in addition to the harm caused by reason of inappropriateness, there would also be harm arising from the loss of openness.
- 3.11 CPBC acknowledges the Proposal would significantly boost the supply of sustainable new homes. CPBC also recognises it is unable to demonstrate a five-year supply of deliverable housing sites and maintains a significant shortfall. Moreover, there are clear benefits in the provision of new affordable dwellings commensurate with the Council's policy requirement in tandem with the ecological enhancements, particularly the provision of 10ha public open space, as well as the economic enhancements as discussed in the committee report (Appendix 1). However, even though the Proposal is determined on its

individual merits, there are similarities between it and the recently dismissed appeals for Land East of Rayleigh Road, Thundersley, SS7 3UB (ref APP/M1520/W/24/3338797) (Appendix 7) as well as Land South of Daws Heath Road, Thundersley, SS7 2TA (ref APP/M1520/W/23/3329585) (Appendix 8). As in both appeal decisions, CPBC will demonstrate that the clear harm to the Green Belt that would be caused by realisation of the Proposal is not outweighed by the aforesaid benefits.

- 3.12 CPBC acknowledge that the Site was designated for housing allocation which would have resulted in the alteration of the Green Belt boundary in the withdrawn Local Plan and that the local plan inspector found there were “exceptional circumstances” for doing so. As the plan was withdrawn no weight can be placed on its policies, although elements of the evidence base for the withdrawn plan may carry some weight. Notwithstanding, “exceptional circumstances” is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires “very special circumstances”, as confirmed in *Compton Parish Council & Ors v Guildford Borough Council & Anor* [2019] EWHC 3242 (Admin) (Appendix 6).
- 3.13 For the above reasons, CPBC will show that the Proposal has not satisfactorily demonstrated the *very special circumstances* required to overcome the policy objection to the Proposal. While there are clear benefits arising from realisation of the Proposal, they neither individually nor cumulatively outweigh the identified harm to the Green Belt or its purpose.

4.0 DOCUMENTS

- 4.1 So far as possible, the documents which may be referred to during the Public Inquiry have been referenced in the foregoing statement. CPBC reserves the right to refer other documents as may become relevant during these proceedings.
- 4.2 Prior to and during the Inquiry, a dedicated webpage will be set up to host all core documents pertaining to this appeal, which will be updated as necessary during the appeal.

5.0 INDEX OF APPENDICES

Appendix 1 - Committee Report - (Para 3.3 & 3.5)

Appendix 2 - Green Belt Review 2018 Part 1 & 2 – (Para 3.4)

Appendix 3 - Landscape Sensitivity Assessment 2024 – (Para 3.6)

Appendix 4 - Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2020] – (Para 3.9)

Appendix 5 - Sales LJ in Turner [2016] EWCA Civ 466 – (Para 3.8)

Appendix 6 - Compton Parish Council & Ors v Guildford Borough Council & Anor [2019] EWHC 3242 (Admin) – (Para 3.12)

Appendix 7 - Appeal reference 3338797 – Land East of Rayleigh Road - (Para 3.11)

Appendix 8 - Appeal reference 3329585 – Land South of Daws Heath Road – (Para 3.11)

Appendix 9 - The documents listed within this statement may be inspected on the CPBC website: <https://www.castlepoint.gov.uk/planning-applications/> using reference number 22/0484/FUL