

IN THE MATTER OF LAND AT BROOK FARM ADJOINING 451-469 DAWS HEATH ROAD,
HADLEIGH, ESSEX
APP/M1520/W/24/3351658

OPENING SUBMISSIONS ON BEHALF
OF CASTLE POINT BOROUGH COUNCIL

1. This appeal concerns an application to construct 173 dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings in the Green Belt.
2. It is common ground that unless this site falls within the newly introduced definition of 'Grey Belt' that the proposal is inappropriate development in the Green Belt¹.
3. Put shortly the Council's case is that the Site does not fall within the definition of Grey Belt² because (consistent with the Council's Green Belt Review and Addendum³) the Site 'strongly contributes' to purposes (a) and (b) served by the Green Belt. In other words the Site strongly contributes to both of the following objectives (a) to check the unrestricted sprawl of large built-up areas and (b) to prevent neighbouring towns from merging into one another⁴.
4. Although the Appellant through Mr Gibbs seeks to argue that Daws Heath does not constitute a town or large built up area, the Council's Green Belt Review explains why it should be treated as such in assessing purposes (a) and (b)⁵. The

¹ MW proof CD 12.7 §7.124-126

² Appendix 2 NPPF 2024, glossary (CD7.33)

³ CD 7.1, 7.2 and 7.3

⁴ NPPF 2024 §143 (CD 7.33)

⁵ CD 7.1 §5.25 to 5.27, and §5.33 to §5.34

Green Belt Review was accepted by the New Castle Point Local Plan 2018-2033 in finding the then proposed local plan sound⁶, although of course as is well documented the Council exercised their democratic right not to adopt the plan.

5. The Site forms part of a parcel found by the Green Belt Review to strongly contribute to purpose (a) and very strongly contribute to purpose (b)⁷. The site as put forwards in the withdrawn local plan was assessed as strongly contributing to both purposes⁸. This is hardly surprising when it is considered that the Site is free of development save for that associated with the farm, and forms a significant part of the gap that prevents the merging of Daws Heath and Hadleigh.
6. In the circumstances the Site is not Grey Belt. Therefore in order for permission to be granted it has to be shown that very special circumstances exist, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. That is deliberately a high test, not least because of the great importance the government continue to attach to Green Belts and the fundamental aim of preventing urban sprawl by keeping them permanently open.
7. Here there will be harm to the Green Belt, both by reason of inappropriateness and because there will be harm to purposes (a)(b) and to a lesser extent (c) in developing the land. There will also be significant harm to openness. The Appellant's assessment of limited harm to openness⁹ understates the position. Development of this quantity of housing and associated development on a largely green-field site will inevitably cause significant spatial harm to openness. While views of the Site are not widespread there are public and private views available into the site and private views available across the site, meaning that the development will also cause significant harm to openness in visual terms.

⁶ CD 6.1 §40

⁷ CD 7.1 pg 86-7

⁸ CD 7.3 pg 20

⁹ Paul Gibbs proof at

8. Of course, as the Council acknowledged in their report to committee and as acknowledged by Mr Gittens, there are considerations weighing in favour of the development. Most important of these are the contribution to market and affordable housing that would be provided by the scheme. The failures of the Council to deliver both market and affordable housing were accepted in the Officer's Report, along with the difficulties in stepping up provision of both until a new local plan is put in place. Those circumstances were considered in some detail by Inspectors recently in two nearby appeal decisions in the Green Belt-Land South of Daws Heath Road and Land East of Rayleigh Road. In neither of those cases was the need for market and affordable housing found to amount to very special circumstances that clearly outweighed the harm to the Green Belt (and other harms).
9. It is recognised that very recently there has been a worsening of the Council's five year housing land supply position. That is not due to any changes 'on the ground' but because on 12 December the effects of the new NPPF nearly doubled the Council's calculated annual local housing need from 355 dwellings per annum to 701 dwellings. That further lowers the supply in this case to at best 1.3 years. Mr Pyecroft argues it should be lower but in the context of the fact that the Council acknowledge that they cannot demonstrate a five year supply and the fact that the Council has to accept its supply is very significantly below five years, it does not seem to the Council that the difference of approximately 9 months supply between the Council's published figure and Mr Pyecroft's assessment is going to make a difference between a refusal and a grant in this case.
10. The recent change in housing requirements does not, however, fundamentally change the situation from that assessed by the Council in the Officer's Report for this development, or by the inspectors recently on nearby sites. The position remains that the housing need does not give rise to very special circumstances that would lead to a grant of a substantial amount of development in the Green Belt.

11. That remains true when the other benefits of the scheme are weighed in. Given that this proposal meets the golden rules set out in NPPF it benefits from the significant weight referred to in NPPF paragraph 158. Other factors in favour of the decision carry less weight. There is provision of open space significantly above policy requirements, the provision of 10% BNG and economic benefits as would be expected from any development of this nature.
12. Even judged as a whole the Council's assessment is that those factors do not meet the high test of amounting to very special circumstances which clearly outweigh the harm to the green belt. That being the case NPPF paragraph 153 says that permission should not be approved. This provides a strong reason for refusing the development for the purposes of paragraph 11 and footnote 7 NPPF.
13. Therefore the Council will in due course invite the Inspector to dismiss the appeal.

CLARE PARRY
Cornerstone Barristers
14 January 2025

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APPEARANCES

Advocate: Clare Parry of Counsel, instructed by Legal Services at Castle Point Borough Council.

Witness: David Gittings BA (Hons) MRTPI