

**APPLICATION NO: 20/01465/FUL DATE VALID: 02.10.20 APPLICANT: Mr Ian Newman
17-18 Great Pulteney Street, London, W1F 9NE, UK DESCRIPTION: Erection of 7 No.
two storey dwelling houses, accompanied with 17 dedicated parking spaces.
LOCATION: Land To The Rear Of Heathers And Candletree The Green Hatfield
Peveler, CM3 2JF**

Statement on behalf of the residents that voted in favour of adoption of the Hatfield Peveler Neighbourhood Development Plan presented by Mark East resident.

Madam Chair and Councillors,

Your will appreciate that there are two statutory instruments to consider namely - the Town & Country Planning Act 1990 and the Localism Act 2011. As you will understand, the NPPF is an advisory set of principles to follow but it does not override the law. Under planning law, the starting point for decision making are the adopted plans and policies. In the application before you, Section 1 of the Local Plan and the Hatfield Peveler Neighbourhood Development Plan are both relevant to your decision.

Under the *Plain English Guide to the Localism Act* it states:

'Neighbourhood planning will allow communities, both residents, employees and business, to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses and shops should go – and what they should look like'.

The High Court judgement CO/4265/2019 clearly guides us to the conclusion that paragraph 11 of the NPPF does not mean that planning permission is automatic. In a nutshell, out-of-date development policies may have weight when performing the tilted balance.

Braintree District is an area made up of numerous communities - Hatfield Peveler being just one of them. The NPPF is explicit in that the intent is to meet the identified need of each community. Paragraph 11 a) of the NPPF supports this by stating that plans should meet the development needs of their area. The Hatfield Peveler NDP covers the Parish area so it is necessary to consider whether housing meets the need of that area.

The ward profiles for each Parish provides guidance on where housing is most needed within the District and it is clear from these profiles that Hatfield Peveler is not in need of more housing. The Planning Development Manager draws your attention to paragraph 59 of the NPPF stating the Government's objective is to significantly boost the supply of housing. You must not lose sight that it also states: 'where it is needed, that the needs of groups with specific housing requirements are addressed'.

In a recent appeal decision (APP/Z1510/W/20/3261180) the Inspector describes Hatfield Peveler as having a **moderate** range of facilities and has clearly considered the extent of the settlement boundary. It is unclear on what basis and evidence the Planning Development Manager asserts that the development boundary has not been reviewed and by implication is out-of-date. Throughout the process, the LPA were aware of the development boundary which was subsequently approved at examination. The failure of the LPA to update the boundary to accommodate the changes arising from the approval of Stonepath and Gleneagles is not grounds for saying the boundary is out-of-date in the context of this application.

It is perhaps worth reminding Councillors that the examiner of the NDP **added** the following under FI3:

'New development **will only be permitted** where it can demonstrate that there is sufficient appropriate education capacity to support the development or that such capacity will be delivered by the development'.

Councillors should also be aware of paragraphs 1.11, 1.26, 1.27, 1.35, 6.20 and 6.22 of Section 1 of the adopted Local Plan. These are all relevant to decision making.

Availability of school places or capacity at the doctors surgery is not demonstrated by the applicant. The officer fails to demonstrate that this lack of provision is not an issue. It is also noted that there is no comment within the report from Essex Education.

You will be aware that a recent court judgement went against the Government for failing to consider the cumulative impact of development in respect of a Norfolk wind turbine.

The Parish has made a very significant contribution (492) to the housing requirements and has met its documented Objectively Assessed Housing Need. The contribution represents 66 % more than that assessed as the need by Barton Willmore on behalf of developers. This also appears to be 20% above LUC's sustainability assessment for Hatfield Peverel.

Councillors, the Localism Act bestows on LPAs a legal duty to cooperate fully with Parish Councils to draw up plans to meet the community needs of that Parish, which includes housing. To abandon that duty would be considered - at best - disturbing.

In addition to environmental harm there would be social harm. A decision to grant planning permission would **undermine** the adopted NDP which the community overwhelmingly voted in favour of - along with the development boundary.

It is understood that Covid-19 has put a strain on finances. You may feel that best policy is to rubber stamp everything, even if there are grounds for refusal. In my opinion, such action would be a derogation of duty - by the LPA - to the public it serves.

Councillors, given the comments above I urge you not to follow officer's recommendations in this instance and to refuse planning consent.

Thank you.