APPEAL BY: Quantum Land (Brundall) Ltd against the refusal of Broadland District Council to grant outline planning permission with the details of appearance, landscaping, layout and scale reserved for later determination, with the exception of Phase 1 for which details of all matters in relation to the 23 dwellings within that Phase are provided. Development to comprise: up to 170 dwellings (Use Class C3), and a community/sports pavilion (Class D1 and D2 use), a country park, formal and/or informal outdoor sports provision, access, and other earthworks and engineering works. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

PLANNING INSPECTORATE REFERENCE: APP/K2610/W/19/3239986

LOCAL PLANNING AUTHORITY REFERENCE: 20171386

Date: 15th September 2020

Rebuttal to Proof of Evidence of Robin Meakins

Charles Judson BA (Hons), MSc.

Principal Planning Officer

Broadland District Council
1.1 This rebuttal responds to the proof of evidence of Mr Robin Meakins submitted on behalf of Quantum Land (Brundall) Ltd (“the appellants”).

1.2 It should be read against my proof of evidence dated 1st September 2020. I have not sought to rebut every point with which I disagree. The fact that I do not expressly rebut a point made by Mr Meakins should not be taken as indicating that I accept it.

1.3 The rebuttal deals with the following issues:

- Whether policies JCS9, JCS14 and GC2 and the associated “settlement limits” of the development plan are up-to-date.
- Whether policy GC1 is complied with and whether this enables compliance with policy GC2.

1.4 The focus of the proof of evidence of Mr Meakins is with specific reference to the compliance of the appeal proposals with the development plan, the extent to which the development plan is up-to-date, the material considerations that apply to the appeal proposals and the overall planning balance.

**Whether policies JCS9, JCS14 and GC2 and the associated “settlement limits” of the development plan are up-to-date**

**JCS 9 – Growth strategy and housing numbers**

1.5 At paragraph 6.30 Mr Meakins states that “the housing numbers in policy 9 (of the JCS) are now out of date as they are more than 5 years old, and thus the LPA now calculates the requirement using local housing need”.

1.6 In my view, the age of policies does not render them out-of-date, and instead consideration should be given to whether they have been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason. This approach is consistent with paragraph 64 (Reference ID 61-064-20190315) of the PPG which states that “Policies age at different
rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It is notable that the NPPF does not automatically trigger the application of the tilted balance where strategic policies are more than five years old. Had this been the intention of the NPPF I would expect this to be explicitly stated.

1.7 With reference to paragraph 7.41 and 7.42 of my proof of evidence it is clear that the annual requirements of the JCS are consistent with the annual requirements of the SHMA and LHN. The SHMA (Core Document 8.23) indicates an annual requirement within the range of 1,880 to 2,199 dwellings for Greater Norwich and the Local Housing Need is 2,024, as set out in Table 1 of the Greater Norwich area Housing Land Supply Assessment 2019 (Appendix A of Core Document 8.22). The Inspectors decision at paragraph 11 of Core Document 6.9 describes there being a “degree of coalescence” between the figures on housing need from the SHMA, JCS and local housing need. The Inspector identifies that the SHMA is untested at examination and therefore should not set the requirement against which housing delivery should be measured. The Inspector then identifies at paragraph 13 that there is “a greater coalescence around the JCS and LHN annual figures at just over 2,000 [dwellings per annum].”

1.8 Consequently, despite it being more than 5 years old, I consider that the housing figures of the JCS continue to plan for an appropriate level of growth and thus it remains up-to-date in respect of housing numbers.

**JCS 14 – Key Service Centres**

1.9 Mr Meakins at paragraph 6.34 states that “it is clear that the requirements of JCS14 have now been set aside and are now out of date. This has been demonstrated in appeal decisions and local decisions, and in the Site Allocations DPD, where it has been determined that the housing provision in Brundall (and Blofield) can vastly exceed 50 dwellings each”. This sentiment is repeated at paragraph 6.37 where he states that “it
has clearly been shown that the figure of 50 dwellings in Brundall is obsolete and out of date”.

1.10 Whilst I do not disagree that there has been planning permission granted for a significant number of dwellings in excess of the 50 envisaged for Brundall (and the adjacent settlement of Blofield), I do not consider that this renders the spatial strategy and polices JCS9 and JCS14 out of date. I note at paragraph 6.45 that Mr Meakins refers to the JCS intention to deliver c. 700 dwellings in the Key Service Centres, and identifies that some 3,846 dwellings have been consented in the “Broadland rural area” since 2014 (according to the AMRs). Mr Meakins says this is 5.5 times more housing than envisaged or planned for. I am unclear how these figures have been arrived at, or why the level of delivery across the rural area is relevant to the planned allocations at Key Service Centres. I am therefore unable to comment on this point in any detail.

1.11 Of those decisions identified in Tables 3 and 4 of Mr Meakins’ proof, all were granted in the absence of a 5 year housing land supply where policies for the supply of housing were given reduced weight on the basis that they were out of date due to the 5 year housing land supply position at the time. Given the evidence of my colleague Mr Harris, I consider this to be a materially different situation to the appeal proposals where policies for the supply of housing and the spatial strategy for the area should be given full weight in decision making. Paragraph 65 of Core Document 6.18 identifies that provided a policy remains relevant and broadly consistent with the NPPF, the age of a policy does not render it out of date, and furthermore the fact that a local authority (or Inspector) has allowed a policy to be outweighed for reasons relating to 5 year land supply “does not imply that the policy has been abandoned, nor does it prevent it from carrying weight in other decisions”.

1.12 The spatial strategy in the JCS is designed to ensure that development is focussed in the most sustainable locations, a policy I consider to be consistent with the objectives of sustainable development and the NPPF so whilst housing in Brundall and Blofield has exceeded the envisaged amount, the need for a settlement hierarchy and policies which
direct appropriate levels of growth to different locations depending on their sustainability and capacity remains fundamental to achieving sustainable development.

1.13 Consequently JCS9 and JCS14 should not be rendered obsolete on the basis that the levels of growth have been exceeded in the past as their objectives remain relevant and consistent with the NNPF. Further growth in Brundall would exacerbate the distortion of the spatial strategy and the approach of Mr Meakins would be inconsistent with the need to ensure the delivery of growth in the most sustainable locations. In the context of a housing supply situation, I consider this to be of significant weight.

1.14 I would also highlight for the sake of clarity that, with reference to Mr Meakins' Table 4, the site “Land east of Pound Lane” is within the settlement limit, and “Land off Manor Road” is an allocation and so these are materially different to the appeal proposals.

1.15 Given the housing supply position evidenced by Paul Harris I am of the opinion that, notwithstanding the level of growth which has been approved in Brundall and Blofield, the spatial strategy remains up to date, consistent with the NPPF and demands significant weight.

**GC2 – Settlement boundaries**

1.16 Mr Meakins at paragraph 6.30 asserts that following the logic of the *Wainhomes* decision (Core Document 6.2) the settlement boundaries of the SA DPD and policy GC2 are also out of date.

1.17 In my view the *Wainhomes* decision is not a situation which is comparable to the appeal proposals. Whilst in both cases the standard methodology is “in play” as the policies are more than 5 years old, in the case of the appeal proposals the annual housing requirement using LHN and the annual housing requirement of the JCS are sufficiently consistent (as set out in paragraph 1.7 above) that they do not result in the significant effect on the distribution of houses. By contrast, in *Wainhomes* the local
planning authority’s housing supply would have increased from 3.24 years or 5.69 years against the development plan requirements to 17.8 years using the standard methodology.

1.18 In the case of Wainhomes, the appeal site was in an area of safeguarded land identified in the development plan to provide for future development needs. The need for such safeguarded land and was directly related to the level of housing requirement. If the housing requirement was lower there would be less need for safeguarded land. The use of the standard method resulted in an approximately 50% reduction in the local housing requirement, therefore the justification for the level of safeguarded land in the plan was significantly undermined. This was directly relevant to the proposals.

1.19 In the case of this Brundall appeal the use of the standard methodology has no such significant effect, and as I have demonstrated results in a housing need very similar to the JCS requirement. Consequently, the use of the standard methodology in no way undermines the housing distribution policies which remain effective to deliver the appropriate level of growth. It is also important to note that in Wainhomes the Court did not actually make a finding about the impact of the standard method on whether the housing distribution was out of date – this is because the challenge was to the Inspector’s reasons and it was conceded that the Inspector hadn’t adequately grappled with the issues. Consequently I do not consider that the conclusions reached in Wainhomes are comparable to the appeal proposals and I consider that the settlement boundaries of the SA DPD and policy GC2 are not out-of-date for the reasons given by Mr Meakins.

1.20 At paragraphs 6.37 Mr Meakins states that settlement boundaries date back to the 2006 Local Plan and were drawn to reflect the far lower housing requirement in the 1999 Structure Plan and at 6.40 states that “A comprehensive review of settlement boundaries does not appear to have taken place”.

1.21 I disagree. Paragraph 1.3 of the SA DPD states that it includes the definition of development boundaries or “settlement limits” and paragraph 3.3 states that when an
allocation or specific policy is completed it will be treated as being within the settlement limit. Realistically, the only reason to amend the settlement boundaries would be to take account of future housing requirements which is what the SA DPD undertook to do by allocating sufficient land to meet the requirements of the JCS in the district (excluding the Growth Triangle).

1.22 I note that Mr Meakins identifies at paragraph 6.44 that 27 of the 38 allocations in the SA DPD were consented before its adoption and therefore the allocations were in part in response to speculative applications which were approved. Nevertheless, the end result is that the settlement boundaries have been amended to facilitate the necessary growth and are therefore not out of date. Consequently the extension of settlement limits and their adoption as part of the SA DPD to reflect and accommodate the housing requirements of the JCS represents clearly that these settlement limits have been reviewed and do not reflect the housing requirements of earlier development plans, reflecting instead the housing requirements of the JCS.

Whether policy GC1 is complied with and whether this enables compliance with policy GC2.

1.23 At paragraph 6.55 Mr Meakins considers that policy GC2 does not require a strict adherence to settlement boundaries but rather it provides some flexibility on the basis that policy GC2 allows development outside of settlement boundaries if 1) it does not result in any significant adverse impact and 2) it accords with a specific allocation and/or policy of the development plan. Mr Meakins is of the opinion that where policy GC1 applies and is satisfied, this is accordance with a “policy of the development plan” for the purposes of the second criteria in policy GC2.

1.24 It appears to be common ground that the tilted balance of policy GC1 is only engaged if relevant policies are out of date. If I am correct, for the reasons given in my proof of evidence and this rebuttal, that the policies relevant to this appeal are not out of date then it would be common ground that the second part of GC1 is not relevant. If
however it is found that relevant policies are out of date then the second part of GC1 is relevant.

1.25 Where it appears myself and Mr Meakins are not in agreement is whether policy GC1, where it is engaged, is a policy which enables compliance with GC2. The second part of GC2 states that development outside of settlement boundaries which does not result in any significant adverse impact will be permitted “where it accords with a specific allocation and/or policy of the development plan”.

1.26 I do not consider GC1 to be a “specific policy” which enables compliance with GC2 in the same way that other policies such as GC3 (Conversion of buildings in the countryside) and E3 (Tourist accommodation) are very clearly specific policies that seek to enable but still control development outside of settlement limits. Instead I consider that GC1 is a policy on how the overall planning balance should be applied. The policy does not contain any criteria by which a proposal can be judged against to determine whether the proposal is in accordance with the policy and is not therefore a policy which can be “accorded with” for the purposes of GC2. In the case of the appeal proposals policy BRU3 is a specific policy that would enable compliance with GC2 and at paragraph 6.92 of his proof of evidence Mr Meakins accepts that the scheme “does not strictly accord with the BRU3 physical allocation”. Consequently the appeal proposals do not comply with the specific policy that relates to the site that GC2 has been designed to enable compliance with.

1.27 Mr Meakins relies on the Racecourse Plantations decision at Core Document 6.14 to justify his position. However in that case the Inspector found at paragraph 62 that “it does not prove necessary to make such a balancing exercise having found no adverse impacts” and that there were “no material considerations which indicate in any other direction than to approve the proposal without delay, the policies of the Development Plan as a whole not being compromised”. Accordingly the Inspector took their decision on the basis of the Development Plan as a whole, rather than undertaking the tilted balance of GC1 and the NPPF and therefore did not conclude specifically that GC1
enabled compliance with GC2. The Inspector did not specifically deal with the interpretation of GC2.