

Good evening.

This statement has been prepared by our solicitor.

This proposal does not accord with the Development Plan, so in accordance with the legislation it is our understanding that planning permission must be refused unless there are material considerations otherwise.

The report before members refers to the MOL designation and adopted policy but does not address important matters.

The land is not allocated for residential development in the plan; there has been no change to the MOL boundary; and the assessment report confirms there is no identified 5 year housing land shortfall.

Consequently, the acceptability of this proposal turns solely upon whether it is **sustainable development** and whether it is **not inappropriate development**.

The presumption in favour of development is preface by the word "sustainable" in NPPF 14.

No consideration has been given to the re use of this site for office development, i.e. its current lawful use.

Any applicant must justify its case in terms that the current use is no longer viable.

NPPF 5 states that sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The assessment report does not engage with the **economic** role required by NPPF 7; the **social** role is not met because there is no need to provide housing on this land to meet requirements, and nothing is said about unviable office space or other uses, yet officers seek to persuade you in **environmental** terms that this proposal is acceptable.

In accordance with NPPF 8 the proposal is **not sustainable** because it must meet **all 3 roles** to qualify as sustainable.

NPPF also constrains what is by definition sustainable, with further restriction in respect of land designated as "greenbelt".

The development plan and the officer assessment report acknowledge MOL is the direct equivalent to green belt.

Consequently there is a restriction; there is **no** very special circumstance claimed to exist; and the development is not sustainable as defined.

So, it must be refused.

The Officer argument nevertheless goes on to support the house builder's case which solely relies upon NPPF 89 bullet 6; an assertion that the site is "previously developed land"; and that the proposal involves the "complete redevelopment of the site".

The definition of previously developed land is within NPPF annex 2 Glossary, which states that **it should not be assumed that the whole of the curtilage should be developed.**

The officer report states that the appropriate test is whether there is no greater impact upon openness, though adds at the end of that sentence the word "use". This addition is a flaw, as the test has nothing to do with the use of the land; it is solely focused upon "openness".

NPPF 89 requires a comparison between the impact of existing buildings against those proposed, and thus excludes land upon which there are no buildings.

The report seeks to persuade you to give weight to potential floor space in an "over height area", but does not make a similar adjustment to reflect the roof space included in the new dwellings. With comparable treatment, the new buildings are approximately 38% larger.

It is a further fundamental flaw to say that the Eastern part of the site, which has no buildings, and makes up approximately 50% of the total application site area, is appropriate for development with buildings;
that land performs now and always has performed an important openness function.

The impact on openness is obvious.

It is **un**arguable that erecting new buildings on "open" land is in direct conflict with NPPF and development plan policy.

This is to be contrasted with the Western side of the site which is largely covered by buildings, and where sustainable redevelopment with buildings might have been acceptable in planning terms.

However here it is not, as it has **not** been demonstrated to be sustainable as defined.

I hope members will carefully consider these matters before reaching any decision.

Credits to:

Nicholas Kingsley-Smith, who recently won the case in the Court of Appeal involving the proposed redevelopment of Langley Park school in MOL