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**Maldon District Local Development  
Plan Examination**

**Hearing Statement**

**Rural Housing  
(including North Fambridge)  
and Settlement Boundaries**

January 2015

## **Rural Housing (including North Fambridge) and Settlement Boundaries**

**The Council's decision to prepare a separate Rural Allocations DPD, coupled to its piecemeal review of Settlement Boundaries as part of the LDP, is not adequately justified, leaves a vacuum in the delivery of rural housing, and conflicts with the NPPF.**

1. We have registered the above concerns previously and have more recently taken account of the Council's response on this matter found in paragraphs 15-18 of CED10. The Council acknowledges that the LDP settlement boundaries are, with some minor additions, based on the 2005 RLP. The Council does not clarify the extent of changes arising from the 2012 review referred to in para. 15 but apart from new allocations, these changes relate to the updating of past commitments and are otherwise minor and cosmetic. There has therefore been no comprehensive, formal or structured review of village Settlement Boundaries since 2005. The current straightjacket surrounding the built-up areas of most rural settlements is being maintained without any clear justification relating to the housing needs of rural communities or the contribution such settlements could make to wider District needs.
2. Having regard to the fourth paragraph of Policy S2, we do not see how this part of the policy can be applied in the absence of detailed Site Allocations and reviewed Settlement Boundaries being provided for the rural settlements.
3. Currently, development control decisions for new village housing Applications are being taken based on whether the Council considers sites are compliant with the definition of sustainable development found in the NPPF. The Council, in making such decisions, sometimes alleges that certain settlements are 'unsustainable' in themselves – again applying arbitrary assessments in Officer Reports which find no expression or justification in their adopted or emerging Local Plan and which are sometimes inconsistent with the findings/contents of the Rural Facilities Study (2011).
4. Where decisions have proceeded to Appeal, a set of Appeal decisions is emerging which again appears to be inconsistent in certain respects. For example, with regard to the environmental role of sustainability, Officers and Inspectors have found sites on the edge of Larger Villages and on public transport routes to be 'unsustainable' and sites on the edge of Smaller Villages more remote from public transport to be 'sustainable'. In similar vein, weight has been given in one case to access to higher level services 5 miles distant but not to ones only a mile away in another. We do not wish to burden the Examination with the related documentation unless such was felt to be of assistance, but cases we have in mind include sites at Goldhanger, Great Totham, Cold Norton, Wickham Bishops and Little Totham.
5. Taking Tolleshunt Knights within the "Smaller Villages" category as an example, one site for six additional houses adjoining the village Settlement Boundary and served off an existing open ended hammerhead has been refused and recently dismissed at Appeal, whilst the Council, contrary to Officer recommendations, has subsequently granted Planning

Permission for free market dwellings on two sites in the countryside divorced from the Tolleshunt Knights Settlement Boundary (January 2015). Officer advice to Members in all these cases has been that Tolleshunt Knights is an unsustainable settlement. This labelling individual villages as “unsustainable” has prompted an enquiry from ourselves asking the Council to identify which of the Smaller Villages in the District are considered to be sustainable but no definitive answer has been forthcoming.

6. If the Council is going to brand certain settlements as unsustainable, which presumably means they will not be eligible to contribute to future housing provisions, we wish there to be a clear basis set down to justify this policy position and this is currently absent.
7. Whilst acknowledging that each case is different, we, as private sector consultants, now find it almost impossible to advise Clients of their prospects for gaining Planning Permission in, or on the edge of, rural settlements in Maldon District due to the uncertainties surrounding the application of ‘policy’ and the vagaries of the decision-making process. Our hope remains that this highly unsatisfactory situation will be short-lived but we fear the decision to address these matters via a separate Rural Allocations DPD will ensure that it is prolonged.
8. We note the advice in para. 153 of the NPPF that local planning authorities should produce a Local Plan (singular) for its area and that any additional development plan documents should only be used where clearly justified. We have yet to see sufficient justification for a separate Rural Allocations DPD, such geographically encompassing all corners of the District, being segregated from a District-wide LDP. This arbitrary decision to produce a separate DPD will mean that the needs of the rural areas will not have been adequately addressed for over 10 years.
9. Finally, we are puzzled by the Council’s statement in para.18 in CED10 that:  
  
*“...the LDP settlement boundaries will not impact significantly upon the amount of sustainable development likely to come forward from settlements within the District.”*
10. This appears to attempt to make a virtue out of a deficiency and runs counter to our point that such a review could and should impact positively on the delivery of sustainable development. Indeed, one model we have put forward in response to earlier consultation is that satellite villages within a 3-4 mile radius of Maldon/Heybridge could be examined for their growth potential and ability to provide new and improved public transport links to the hub. Such a strategy, had it been explored, would involve reduced reliance on a few large sites and create sustainable key service villages geographically close to Maldon/Heybridge but also serving their rural hinterlands. That said, no comprehensive review of Settlements Boundaries has taken place as part of the LDP which would have enabled a wider assessment of rural housing needs to be addressed.

11. For the above reasons, we currently consider the LDP to be unsound.

A handwritten signature in black ink, appearing to read "Zander", with a long horizontal flourish extending to the right.

**Chartered Town Planner**  
**January 2015**