

Supporting Statement & Design & Access Statement in relation to a re-submission  
of Planning Application 12/00147/FUL

No Fee is applicable to this re-submission

The site is the Northern part of the original Westview, Church Road, Hockley, Essex

SS5 4SS site

## **DOCUMENTS**

- DOC 1** 1947 The Town and Country Planning Act 1947 Section 6
- DOC 2** 1954 16<sup>th</sup> June, The Town and Country Planning (Development Plans) Direction 1954 & Min Cir 45/54
- DOC 3** 1955 7<sup>th</sup> Aug Min Cir 42/55 issued
- DOC 4** 1957 September Min Circ 50/57 issued
- DOC 5** 1957 October 28<sup>th</sup> ECC submitted their Green Belt Proposals to HLG
- DOC 6** 1957 10<sup>th</sup> December ECC Planning Minutes
- DOC 7** 1958 27<sup>th</sup> June Letter from Rochford to HLG
- DOC 8** 1961 14<sup>th</sup> Feb ECC Planning Minutes
- DOC 9** 1961 13<sup>th</sup> June ECC Planning Minutes at Pages 126/127/128/141/142 .
- DOC 10** 1962 9<sup>th</sup> February ECC Planning Permission Westview
- DOC 11** 1964 November ECC Review of the Dev Plan 1957 .
- DOC 12** 1967 21<sup>st</sup> November ECC Planning Minutes

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Supporting Statement including Design and Access March 2014  
By Dudley M. Ball in relation to a re-submission of a planning application for the  
erection of one detached dwelling at Westview Church Road, Hockley, Essex SS5 4SS

**FRAUD UNRAVELLS EVERYTHING**

Lord Denning Master of the Rolls.

Introduction.

- i) Firstly I shall deal with the Supporting Statement in respect of error, I shall then deal with the Design and Access Statement.
- ii) This statement is in support of the re-submission of a planning application as attached hereto for one detached dwelling on the northern garden land within the original curtilage of 'Westview'. The original application was made in Feb 2012, (Ref 12/00147/FUL) and the appeal decision by the Planning Inspectorate (PINS) was issued on 21<sup>st</sup> March 2013.
- iii) The site is in Church Road about 100 yards to the north of the junction with Folly and Fountain Lane, originally it comprised of a single dwelling set in 1.22 acres of garden.
- iv) The land is presently in lawful use as garden land but is currently designated in error as lying within the Metropolitan Green Belt (MGB) as originally shown on the 1964 Essex County Council (ECC) Development Plan, and then shown on subsequent Rochford District Council (RDC) Development Plans which includes the LDF. The land is now scheduled for release for residential development.
- v) I have recently discovered new critical evidence relating to true planning history of the site and the District, this new evidence must be considered as material considerations in this current decision making process. This new evidence has never been disclosed by the authorities in any decision making process concerning the site. In the past the Authorities have replaced the truth with omissions and misleading facts, despite numerous opportunities to rectify the matter they have failed to do so. The true planning history is now included in this statement, it demonstrates that all preceding decisions both at a local level and at the Planning Inspectorate level **can be considered nullities** because these decisions are based on omissions and false and misleading facts put forward by the authorities as the truth and accepted as such by the Planning Inspectorate clearly without the required rigorous examination and to my severe detriment. Therefore as a consequence '*Fraud Unravels Everything*'.

vi) Should the Local Planning claim that the newly discovered 1954-1964 evidence of zoning error is of no relevance today then I am entitled to an explanation as to why the same LPA went to great lengths between 1997 -1999 to conceal historical evidence damaging to their case by way of omissions, and creating false impressions of the history of the application/appeal site's zoning. In 1994 this LPA had been directed by a Local Plan Inspector to correct G/B boundary errors. One had already been discovered in 1997 at Ashingdon Heights, any more would clearly bring reliance by the public of their Local Plan into serious question. It was therefore in the self interest of this LPA to conceal this historical evidence to negate my allegation of error and thereby preserve the integrity of their Local Plan.

vii) I am also seriously concerned that highly significant documents, namely the 1961 Rochford Town Map as recorded as being in existence in the ECC minutes on Page 141 of the 13<sup>th</sup> June 1961, (DOC 9) and the full planning application and permission documents relating to applications EEC/ROC/495/60 & 496/60 (DOC 8) in Folly Lane Hockley, have gone missing from the records of the LPA.

viii) This newly discovered conclusive evidence of error illustrates that in 1957 ECC submitted to the Ministry of Housing and Local Government (HLG) a plan that clearly identified the whole Westview site as '*White land*' and being in a '**Proposed Development Area**'. This 1957 ECC submission was considered by HLG as acceptable.

ix) '*White land*' is described in Paragraph 6 of Ministerial Circular 50/57 (DOC 4), and clearly (in the case of Westview) regards and defines it as 'Residential land in waiting'. (my definition)

x) Section 6 (1) & (2) of the Town and Country Planning Act 1947 (hereinafter called the 47 Act) assist in understanding the actions of ECC in 1950's - 1960's (DOC 1)

xi) Evidence is produced in this statement to show that during the 1950's- 1960's ECC were intent on increasing housing development in the Hockley area, and especially in the Folly Lane Area, with the full support of the Government.

xii) By virtue of a Legal Instrument, in 1961 the Minister of Housing and Local Government (by dint of the fact that he granted Planning Permission for 100 houses in Folly Lane, Hockley) changed the zoning of Westview from '*White land*' and being in a '*Proposed Development Area*' to that of Ministerial Approved 'Residential Area'.

xiii) Further evidence and support that the 1957 ECC submission was acceptable to HLG emanates from the fact that in 1962 ECC with Ministerial support, granted an 'everlasting' (non-time limited) Residential Planning Permission (PP) over the entire 1.22 acres of Westview to cover the entire site with three dwellings of equal frontage including

the specified retention of the existing pre-Planning Act (1947) dwelling. (All planning permissions granted at that time were in the default position of being non time-limited, this original position created by the 1947 Act was not changed until post 1968, effected by specific legislation).

xiv) The 1964 ECC Review map showed without warning, the southern half of Westview and adjoining sites as remaining in the Ministerial Approved 'Residential Area', whilst the northern half was re-zoned from the Ministerial approved 'Residential Area' to Green Belt in error. To this effect there are no archive papers that support that specific action in 1964 leading me even at this early stage in this statement to state that therefore that position suddenly shown in 1964 was as a matter of fact a simple cartographical drafting error.

xv) Even at this stage of the statement I have to make the point that in 1964 the ECC Review document stated that the 'Folly Lane' area, the Westview site was part of that area, ***'has been released for housing'***, and this meant from 'white land in a proposed development area' into a ***'Residential Area'***. I just cannot understand why such a statement in a Public document from ECC has been ignored by the authorities other than it's truth damages the LPA position.

xvi) Therefore this new evidence proves that not only does Green Belt Policy not legally apply, but the basis and wording on which this 1962 PP was granted indicates that the fundamental element of the Green Belt Policy applied to this northern half part of Westview with its primary notion of 'openness' has no merit - at all. As a result the Local Planning Authority (LPA) has no lawful right to apply Green Belt Policy to this application site.

xvii) If the LPA contend that in 1964 the northern half of Westview then zoned 'Residential' by Ministerial Approval was then 'correctly' re-zoned to Green Belt and not re-zoned in error, they should produce the written historical evidence to support that contention. I have found not a single shred of such documentary evidence whilst unearthing the great array of documents that I now put forward to prove that the zoning of the north half of Westview was, as a matter of indisputable fact, done in error and remains in that state to this day.

xviii) It is also a fact that between 1957 and 1964 there was not a Green Belt Boundary that existed over the site of Westview because the site was inside the (1957-1961) 'Proposed Development Area' and from 1961 -1964 in the Ministerial Approved 'Residential Area'.

Therefore this must mean that if the boundary as drawn in 1964 is correct (as Rochford Council claim) there must be at least one piece of official documentation retained to describe why the Authorities suddenly expanded the already statutorily agreed and confirmed by ECC on 13.6.61 Green Belt into the hitherto residentially identified area of

Westview **and without warning to the land owner**. The effect of which was, without any archive records of formal or informal consultation and formal process to suddenly encroach MGB upon and restrict what was actually already long term the 'Ministerial Approved Residential Area'.

That this must also mean that that action was in planning terms also consequently logical and correct to move the previously Ministerial agreed extent of the Green Belt and its boundary to instead run quite arbitrarily **through** the middle of the Westview site, **through** a live PP and **through** the middle of the fabric of one of those two approved new dwellings. Two new dwellings approved barely two years before as part of a permanently non-time limited planning permission for the entire 1.22 acre site.

My investigation did not reveal any such supporting documentation for the moving of the MGB boundary, however it is open to the Authorities to still produce some and I invite them yet again to do produce it in the course of their determination of this application.

**xix)** Point 196 of the National Planning Framework states;

*"The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."*

*This Framework is a material consideration in planning decisions.*

Point 196 is very similar to Point 27 of the 1995 Planning Policy Guidance Note No2.

**xx)** Point 2 of Ministerial Circular 45/54 clearly implies that the; '1954 Direction' is a Material Consideration when LPA's decide a Planning Application that does not accord with the Development Plan.

I therefore request that if the LPA are minded to again wilfully ignore and, conveniently for them, fail to deal with the claim of error that I have made out, then their full legal justification must be made out for not dealing with the evidence of error as a Material Consideration as a fundamental part of their determination of this application in the legitimate interest of me obtaining a fair hearing in common/civil law by which they are also bound and obligated to do so.

**xxi)** The costs circular makes it clear that an LPA has to fully demonstrate (in this case with actual documentary counter evidence) that a lawful decision has been arrived at by showing that they have taken into account all material factors when coming to that decision.

**xxii)** In 1999 Inspector Ware dealt with the issue of error as a material consideration with regard to Government Planning Policy Guidance Note No 2 (PPG) Para 27. In 1999 Inspector Ware had precious little evidence to adjudicate on. However perhaps he should have been far more rigorous in his managing of the appeal by demanding the

documentary evidence of the site when the 1962 Planning Permission was granted instead of relying on the implied and unsubstantiated false claim by the Council that the site was zoned in an 'Area of No Notation' when the 1962 PP was granted.

xxiii) After reading the evidence of error presented herewith the reader may believe that when the Green Belt boundary was placed arbitrarily across Westview in 1964 and submitted to the Ministry, that ECC had a change of mind and wished to prevent the implementation of this PP by dividing the site in two. Such a notion can speedily be dispelled by the evidence I have expanded on in this statement. During this period ECC were actively revoking numerous G/B PP's, including one just 200 yards away from Westview. This site also had a permanent non-time limited PP that subsequently found its self wholly in the new Green Belt (all this occurring well before 1964).

xxiv) The 1962 Westview PP was granted under the terms of The Town and Country Planning (Development Plans) Direction 1954, and it is quite clear from that Ministerial Direction that 'White Land' zoning is a 'Material Consideration', and that is before any consideration is given to the fact that a site was in a '*Proposed Development Area*'.

xxv) I would like to draw attention to the fact that the legal concept of **Legitimate Expectation** is discussed at Section 6.



## ***1. 0. Overview of the Planning History and evidence of Green Belt Boundary placement error.***

- 1.1. This evidence of error has been obtained by my own diligent enquiries from the National Archives (N/A) at Kew, the Essex County Council Archives at Chelmsford and Rochford District Council's archives.
- 1.2. The planning history is the core of my claim of error. However the following should be born in mind. The country was nearly bankrupt after WWII, in the 1950's there was a National Housing shortage, the 1950/60's rail and road links to London from the Rochford/Hockley area were very good. There was also the issue of preventing the increasing urban sprawl, and the introduction of Green Belt Policy in parts of the South East, which was very draconian during the 1950/60's.
- 1.3. This paragraph shows clear support of the 1957 ECC Green Belt submission Plan to HLG. In 1956 the Water Authorities built a main sewer that ran from the top of Fountain Lane down to the junction with Folly Lane/Church Road, along Folly Lane to No 20 where it travelled eastwards across open country towards what was to become the Manor Road and Betts Farm Estates, total distance about 1 ½ miles. This sewer now serves at least 1000 houses, but in 1956 it served just under 40. Development at Betts Farm and Manor Road did not proceed until the mid 1970's. Therefore it is proven that by 1956 ECC were determined to develop this part of Hockley, and very substantially so.
- 1.4. It is interesting to note an extract from Hansard on 26<sup>th</sup> April 1955, the Minister for H & LG answered a question in the House in relation to overcrowded cities. In reply amongst other matters the Minister stated that he would provide grants for water and sewage systems to the tune of 50% for town expansions, this fits in with what happened at Folly Lane.
- 1.5. The official documentary evidence to prove that the whole Westview site was zoned 'white Land' and in a 'Proposed Development Area' is gained from the 28<sup>th</sup> Oct 1957 ECC map submission to HLG of their Green Belt Proposals, **(DOC 5)**. This submission was considered acceptable by HLG and approved. This map was recovered by me from the N/A.

## ***2.0. Brief description of the Evidence.***

### **2.1. The salient historical points;**

- 1. 1947** The Town and Country Planning Act 1947 Section 6 (DOC 1)
- 2. 1954 16<sup>th</sup> June**, The Town and Country Planning (Development Plans) **Direction** 1954 & Min Cir 45/54 issued. (Confers legal authority to grant PP outside of a Dev Plan.) (DOC 2)
- 3. 1955 7<sup>th</sup> Aug** Min Cir 42/55 - requests that CC should submit Green Belt proposals. (DOC 3)
- 4. 1957 September** Ministerial Approval given for the 1957 ECC Dev Plan.
- 5. 1957 September** Min Circ 50/57 issued, 'white land' discussed in it. (DOC 4)
- 6. 1957 October 28<sup>th</sup>** ECC submitted the (required by 42/55 Doc 3 above) Green Belt Proposals to HLG (DOC 5)
- 7. 1957 October 28<sup>th</sup>** Folly/Fountain Lane/Church Road/Westview ECC zoned 'white land in a Proposed Development Area' this was "accepted in principle" by HLG.(DOC5)
- 8. 1957 10<sup>th</sup> December** ECC empowered by 'the Direction' (Doc 2 above) to grant powers of determination to the 'Special Powers Committee' in relation to planning applications not in accord with the Development Plan. (DOC 6)
- 9. 1958 27<sup>th</sup> June** Letter from Rochford to HLG - describing 'White Land' (DOC 7)
- 10. 1961 14<sup>th</sup> Feb** ECC granted PP in Folly Lane for approx 100 houses \*\*\* (DOC 8)
- 11. 1961 13<sup>th</sup> June** ECC Planning Minutes at Pages 126/127/128/141/142 inform that ECC amended the 1957 Development Plan in respect of G/B Policy and the Areas to be zoned Green Belt, and produced amended Town Plans. There is no contradictory evidence to show that Westview was not zoned 'Residential'. It was not zoned G/B. (DOC 9)
- 12. 1961 December** ECC granted PP for five houses in Fountain Lane, \*\*\*
- 13. 1962 12<sup>th</sup> January** Crown Road Hockley- Two Green Belt Refusals ||||
- 14. 1962 9<sup>th</sup> February** ECC grant permanent non-time limited Res PP at Westview. (DOC 10)

**15. 1964 November** ECC issued their Review of the Dev Plan 1957 that suddenly shows the Green Belt encroaching over the north half of Westview for the first time ever. No documentary evidence exists to support this change and occurs despite Westview having a permanent non-time limited planning permission for residential development over the whole site.  
(DOC 11)

**16. 1967 21<sup>st</sup> November** ECC Revoked 1949 PP at St Peters Road  
(DOC 12)

\*\*\* *These Planning Permissions were not in accord with the Development Plan, but were approved.*  
||| *These Planning Applications were not in accord with the Development Plan, and were refused.*

### 3.0. *Enlargement of Evidence.*

3.1. As already stated the pivotal issue to prove error is to show that the whole of the Westview site was zoned by ECC and HLG as '*White Land* and in a '*Proposed Development Area*' from 1957 to 1961; also from 1961 to 1964 in a Ministerial Approved Residential Area. Then, from 1964, for some unaccountable reason, ECC decided without warning to show or 'rezone', the north half of this already recently Ministerial Approved Residential Area, as Green Belt. I say unaccountable because ECC and RDC have never explained the justification or evidenced the formal procedure they would have to take against previous Ministerial approval for this unaccounted re-zoning. Clearly this Planning Application gives them the opportunity to do so. I have copied this statement to ECC and advised them of this paragraph, and invite them to offer an explanation which, if they can prove and thus make plausible, may persuade me to withdraw this application.

3.2. This 1964 ECC Review Submission Map bisected the Westview site from front boundary to back one by placing the Residential/Green Belt boundary, not only through a live PP but through the fabric of one of the approved dwellings and leaving the other wholly within the green belt and ostensibly immediately allegedly rendering them inappropriate development. A ridiculous state of affairs that has no professional credence.

3.3. This 1964 ECC Review also thwarted the wishes of the Secretary of State, Essex County Council and Rochford Rural District Council in relation to the zoning of Westview as already being in a Ministerial Approved Residential Area.

3.4. I shall now expand on all the above Points I have listed in Section 2 and for the sake of clarity they are slightly indented.

#### Point (1) 1947 Town & Country Planning Act 1947

(DOC 1)

*6 (1) of the T&CPA 1947 says, "At least once in every five years after the date on which a development plan for any area is approved by the Minister, the Local Planning Authority shall carry out a fresh survey of that area, and submit to the Minister a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto."*

#### Comment

Thus having studied both National Archives (N/A) and the Essex Archives it is very clear that most LPA's complied with the command of this section, and there is a file at the N/A which relates to the early 1960's, highlighting complaints from the Public that ECC had not followed this command of this part of Section 6. The ECC Planning Minutes also describe how ECC were short of qualified planners during this period.

ECC should have submitted their plan to the Minister before Sept 1962, in fact at least before Sept 1961. Their failure to put the Plan before the Minister before 1964 is indicative of a disorganised County Council in disarray, prey to pressure and prone to error.

6 (2) *"Without prejudice to the provisions of the foregoing sub-section, any LPA may at any time, and shall if so required by directions of the Minister, submit to the Minister proposals for such alterations or additions to the Development Plan relating to their area or any part thereof as appear to them to be expedient, or may be required by those directions, as the case may be."*

#### Comment

Thus section 6 (2) clearly gave the authority to ECC to amend their Development Plan in accordance with the 1954 Ministerial direction (Document 2) by granting Planning Permission to Gay Bowers and Westview. These planning permissions altered and added to the 1957 Dev Plan.

**Point (2) The Town and Country Planning (Development Plans) Direction 1954 and also Ministry Circular 45/54 (to be known as '*the direction*') (DOC 2)**

(Please note that the '*Direction*' referred to in its title was in booklet form, which contained both Min Circ 45/54 as well as '*the direction*'.) It is appropriate to first quote from Min Circ 45/54 because it preceded '*the direction*' in the booklet.

Min Cir 45/54 (DOC 2)

Para 3. States that planning permission may be granted if "*provided in their opinion the proposal would neither involve a substantial departure from the provisions of the Plan nor injuriously affect the amenity of adjoining land*".

#### Comment

The 1962 PP at Westview was granted in accordance with this Ministerial direction, thus the above wording totally confounds the cornerstone of Green Belt Policy with regard to the 1964 application of Green Belt policy upon Westview and the 'Openness' of Westview and its surroundings. In relation to Westview there is no evidence of the Green Belt 'openness' argument being raised either in 1957 or, most significantly neither in 1962 and, since that time, the area has become progressively more developed. If ECC wished the land at Westview to have greater protection than 'white land' why didn't ECC zone it Green Belt in 1957? Furthermore it proves that in 1957 and just as significantly in 1962 Westview was not considered open and thus not worthy of inclusion in the Green Belt.

Para 5(a). *"These provisions may be provisions relating to the land to be developed".*

Comment

The 1957 ECC Development Plan came before the identifying of 'white land' zoning in the Folly Lane area, and thus it was not included in the 1957 Plan. However within one month of the Minister approving the 57 Dev Plan he also accepted that the Folly Lane area was *'White Land in a Proposed Development Area'* it is quite clear that this is the type of development being referred to in Para 5(a) of 45/54.

Para 6(c) Reference is made to *'White land'* which included Westview.

Comment

I have found no documents to show that ECC did refer the Westview PP to the Minister, therefore it is a logical conclusion that ECC did not consider that the grant of the 1962 PP *"would likely frustrate some positive provision of the Plan"*, including their Green Belt policy. By the time PP was granted at Westview it already lay in a *'Ministerial Approved Residential Area'*.

Exactly one year prior to the Westview planning permission the 100 houses of the Folly Lane PP was referred to the Minister. However, curiously the full records held by RDC in relation to the 100 houses PP have not been located by RDC. These records will contain the correspondence to the Minister, the Minister's agreement, there will be references by ECC to the effect that the land had already been allocated for Development and would not harm the Green Belt beyond the *'Proposed Development Area'* (the 1957 zoning) due to the sporadic nature of the surrounding well established existing development of a distinct urban nature.

Para 36 of the ECC 1964 Review booklet, states;

(DOC 11)

*"36 As a result, most of the housing development has taken place within the gross residential areas as defined on the 1957 Town Map, though some land, notably at Folly Lane \* and adjoining Marylands Wood, has been released for housing to meet rising demand. Other small areas have been released for housing off Woodlands Road and Thorpe Way, Hockley, together with limited infilling in Rectory Road".*

\*which clearly included Westview. - my underlining.

This text was released in 1964 (and thus evidently written well before Nov 1964), it is quite clear that Folly Lane *'has been released'*, - please note grammatical use of the 'past tense'.

Paragraph 36 compliments all the evidence, but what is extraordinary about this text is that it states that the land *'has been released'*, clearly not from Green Belt because it was

never zoned G/B, but from '*White land and a Proposed Development Area*' into the '*Development Area*'.

The only RDC micro fiche records for the two permissions in Folly Lane to which I have been privy contain only about six images each. I find this quite extraordinary, bearing in mind that the micro fiches for Westview contain is at least twenty images for a relatively minor permission by comparison.

1954 The Town and Country Planning (Development Plans) Direction 1954 (Doc 2)

Comment

Clearly this 1954 '*Direction*' was a way that the Government wished to overcome the housing shortage problem by allowing County Council's to grant PP to suitable applications for Residential Development that did not accord with the Development Plan. This removed the need to await the next Development Plan to be formally amended and thus only then to be able to grant them planning permission (in RDC's case where that land lay in '*Whiteland*' areas). In other words this was a Government legal instrument specifically designed to by-pass a Development Plan and, for its day, 'fast track' planning application development proposals.

'*This Direction*' is key to understanding and proving why ECC granted PP to Folly Lane, Westview and Fountain Lane without recourse or the need for recourse to the Development Plan. These three applications were granted PP because they were '*White Land and in a Proposed Development Area*'.

The ECC Planning Minutes (DOC 8) Page 32 clearly states on 14<sup>th</sup> Feb 1961 that the Folly Lane 100 house PP was granted under this '*Direction*'. The same Minutes also clearly state that the Folly Lane 100 PP was referred to the Minister in accordance with the instructions of '*the direction*', it must be assumed that the Minister did not veto it because the development went ahead and was built out by 1962.

Therefore by deduction it is a fact that the '*White Land*' area in and around Folly Lane including Westview was officially converted from '*White Land and a Proposed Development Area*' to full Residential status in 1961, by the conferring/granting of beneficial planning permissions for residential development, by the fact that it had Ministerial Approval, and by the fact that Paragraph 36 of the 1964 Review booklet (DOC 11) states it was so released.

The moment that the Folly Lane PP was granted meant the area was no longer a '*Proposed Development Area*' but as a matter of fact was a '*Development Area*'.

**Point (3) 1955 7<sup>th</sup> Aug**

**(DOC 3)**

Min Cir 42/55 issued, instructions to LPA's to submit Green Belt proposals if required.

**Point (4) 1957 September**

Ministerial Approval given for the 1957 ECC Dev Plan. This approval was one month before ECC submitted their G/Belt proposals, - one of the defining events of this case.

**Point (5) 1957 September**

**(DOC 4)**

Min Circ 50/57 Issued simultaneous to the Minister's approval of the 1957 ECC Development Plan.

**Item 6 of 50/57**

**(DOC 4)**

Please note that the word "white" has speech marks as part of this original text.

*6. There may be pockets of land, between the town and the green belt, which are not to be developed within the present plan period but which could be developed later without prejudice to the green belt. It would be misleading to allocate such areas now, but to include them in the green belt for the time being might give rise to difficulties and undermine public confidence in the green belt at a later date if it were then decided to allocate the land for development. Such areas may well be left as pockets of "white" land. They are then bound to be especially attractive to developers and it will be desirable to set out in the written statement the authority's policy for such areas in order to make clear that they are not available for development at the present time.*

Please note that the word 'white land' is also used in the 1954 'Direction', so clearly the Folly Lane and Westview planning permissions took due cognizance of this 'White land zoning mentioned in both 'the direction' and Ministerial Circulars 45/54 and 50/57.

**Point (6) 1957 October 28<sup>th</sup>**

**(DOC 5)**

ECC submitted their Green Belt Proposals to Ministry of Housing & Local Govt

This submission was in the form of a three page written overview and maps, I have produced both the written overview and the appropriate map that were both recovered from the National Archive. This submitted map comprised of four maps of the County of Essex at a scale of 1 inch to 1 mile. I have copied the two relevant southern maps. The south west map has the title block, whereas the south east map that covers the Rochford/Hockley Area (to be known as 'the 57 map') is the map of interest.

**Point (7) 1957 October 28<sup>th</sup>**

**(DOC 5)**

'The 1957 map' shows the area of Folly/Fountain Lane and Church Road as being zoned as 'White Land in a proposed Development Area'.

I draw your attention to Page 2 of this Written overview, paragraph B that specifically



deals with the Rochford Hockley area, I quote;

*"The approved Development Plan for Essex makes provision for the growth of the urban areas of Canvey Island, Benfleet (together with Hadleigh, Thundersley and New Thundersley in Benfleet Urban District), Rayleigh and Rochford (together with Ashingdon and Hockley in Rochford Rural District). These urban areas are all close....."* (my underlining)

The text is self evident in its stated intent, furthermore it is also clear that this part of Hockley was quite clearly viewed as Urban.

The area on 'the 1957 map', where it deals with Hockley, clearly shows an area outlined in a continuous black line that joins back to itself **without a break**, on the outside it is totally surrounded by the 'green wash-over' colour annotation which denotes Proposed Green Belt.

Inside this contained area is the existing Hockley residential area and clearly showing inclusion of the Folly/Fountain Lane Church Road area and the Westview site.

Within that contained area the existing built up settlement of Hockley' is covered by thin red horizontal lines, to the west there is thin red square hatching. To the west of this thin red hatching is an area of white that covers the Folly/Fountain Lane Church Road area including the whole of the Westview site. There is no separation indicated or annotated between the red hatching and the white area, and it is all contained by the black continuous line.

The map notation shows an oblong patch with a black line around the red square hatching, this annotation has the words '***Proposed Development Area***' beside it.

It is fact that the whole 1.22 acres of Westview is included in this '*White land in a Proposed Development Area*'.

It is also a fact that that the Folly Lane Area, including Westview, is between the existing town area of Hockley and the Green Belt. This situation is perfectly described from Section 6 of Min Cir 50/57 **(DOC 4)**

It may be concluded from the above facts is that from 1957 to 1961 the Westview site was zoned 'white land' in a '***Proposed Development Area***', and from 1961 to 1964 in a '*Ministerial Approved Residential Area*'.

From the N/A I also recovered the 1956 ECC map for the south of the County submitted for Public and District Council consultation. This map also shows exactly the same detail as the 1957 submission as it relates to Hockley.

From the National Archives I recovered a MHLG record relating to the 1957 period showing the status of the Green Belt submissions from a number of County Councils. Some were not accepted, the submissions by Essex were found to be '*accepted in principle*'.

**Point (8) 1957 10<sup>th</sup> December**

**(DOC 6)**

The ECC Planning Minutes Pages 304 inform that ECC invoked '*The Direction*' that gave power to the ECC '*Special Powers Committee*' to deal with Planning Applications that did not accord with the Development Plan.

**Point (9) 1958 27<sup>th</sup> June**

**(DOC 7)**

From the N/A I also recovered a letter dated 27<sup>th</sup> June 1958, signed by the Clerk of the Council at Rochford Rural District Council to HLG dealing with Additional Green Belts, and 'White land' I quote from the first paragraph of this letter;

*"It is noted that generally with the exception of two small "white" areas at Hockley and Hawkwell, Wallasea and Foulness Island, the additional green belt is proposed to include all land within the Rural District except the development areas shown on the Rochford Town Map". (my underline added)*

Although the Folly Lane area is not named there is no other "*white area*" shown on 'the map' in Hockley.

NB: (Wallasea and Foulness Island were not included in the G/B at this time).

**Point (10) 1961 14<sup>th</sup> February**

**(DOC 8)**

ECC, by way of '*the Direction*', granted planning permission in Folly Lane, Hockley for approximately 100 houses. This site was in the same 'White Land' and in the 'Proposed Development Area', as was the whole Westview site. This decision and others were referred to the Minister for his approval (which he could have vetoed) in accordance with the instructions contained in '*the Direction*'. The mere fact that this site was built out by 1962 proves that the Minister did not use his veto. Thus the Minister put his definitive seal of approval to convert the Folly Lane Area from '*White Land in a Proposed Development Area*' **to full Residential Status** as an act **completely outside** of the confines of the still emerging Development Plan. This 100 house PP area was included in the Folly Lane Residential Extension described in the 1964 Review.

**Point (11) 1961 13<sup>th</sup> June**

**(DOC 9)**

ECC Planning Minutes at Pages 126/127/128/141/142 inform that ECC amended the 1957 Development Plan in respect of G/B Policy and increased the Areas to be zoned Green Belt in southern Essex, Page 141 informs that ECC produced amended Town Plans to show this extended and approved Green Belt. There is no contradictory evidence to show that Westview was not zoned 'Residential' on this revised 1961 Town Map. It can be ascertained by the below evidence that it was not zoned G/B. I have not examined this

map, I am relying on the 1957 ECC submission to the Ministry that clearly shows these residential zonings applying to Westview, it does not show Green Belt zoning applying to Westview. I have recently requested sight of this 1961 plan from the Director of Development at Rochford, he has stated that RDC do not have possession of it. However the following points should be considered as highly pertinent.

i) The 1999 proof of evidence of the RDC expert planning witness states that the northern half of the site of Westview first became G/B in 1964, thus the RDC 1999 expert planning witness agrees with the evidence presented here that the site was not Green Belt prior to 1964 and not G/B when the 1962 PP was granted.

This part of his statement raises a question, the witness, who was co-author the two previous local plans, both plans state that the Area Green Belt zoning took place in 1961. So how did this witness establish it was 1964 when the northern part of the Westview first became Green Belt.

The answer is simple, he looked at the 1961 Town Map (**DOC 9**), and saw that it was zoned Residential, then looked at the 1964 Development Town Map and saw it was now zoned Green Belt. Yet strangely this 1961 map is now missing from the RDC archives, **so where has this 1961 plan disappeared to?**

I would also like to know why this 1999 external RDC Planning Witness heavily implied in his Proof of Evidence that the 1962 Planning Permission was granted when the site was zoned in an 'Area of No Notation', which was totally and utterly misleading.

ii) In Oct 1961 my father submitted his planning application which was approved in Feb 1962. From the RDC micro fiche records I recovered the officer's 'work sheet' for the application, at the bottom this work sheet it clearly states;  
"Site excluded from County Councils Green Belt Proposals" . (**DOC 10**)  
Clearly the Planning Officers dealing with the Oct 1961 application referred to the 1961 Town Plan (Page 141 of **DOC 9**) to make such a statement.

iii) ECC granted eternal Residential PP on the site exactly 8 months after 13<sup>th</sup> June 1961, why would they do that if it had been zoned Green Belt on 13<sup>th</sup> June 1961, thus proving it was zoned Residential.

(iv) Paragraph 36 of the 1964 Booklet, (I have reproduced this twice in this statement) Which states that 'the Folly Lane area had been released for housing' (**DOC 11**)

#### **Point (12) 1961 December**

ECC's 'Special Powers Committee' granted Planning Permission for five houses in Fountain Lane, Hockley. This site was also in the 'White Land' and in the 'Proposed Development Area'. Again this was converted to full Residential status by the Minister, and included in the Folly Lane Residential Extension described in the 1964 Review.

**Point (13) 1962 12<sup>th</sup> January**

Crown Road Hockley. Planning Applications EEC/ROC/528/61 & 534/61, both these application sites were shown on the ECC 1957 G/B submission map (**DOC 5**) as being in the Proposed Green Belt, but just outside the Proposed Development Area.

I have mentioned these two applications (**13**) because they were refused PP exactly one month before the granting of PP at Westview. **They were Green Belt refusals**, therefore it is a fact that Green Belt Policy was being used in the lawful determination of Planning Applications both prior to and contemporaneous to my father's Planning Permission at Westview just one month later.

These two refusals (**13**) are also clear evidence that neither the northern part, or any part of Westview was zoned Green Belt at the time when PP on 9<sup>th</sup> Feb 1962 was granted at Westview, Westview was in a Ministerial endorsed 'Residential Area'. Had any part of the Westview site been zoned Green Belt it would have been refused PP on exactly the same G/B grounds that the two applications in Crown Rd (**13**) were refused.

**Point (14) 1962 February 9<sup>th</sup>**

**(DOC 10)**

ECC's 'Special Powers Committee' granted '**everlasting' non time-limited** Planning Permission for the retention of the original Westview and for two additional properties over the entire site. All properties had to have by equal frontages imposed by a specific condition as part of that permission. The whole site was in the 'Ministerial Approved Residential Area' when this Planning Permission was granted.

The officer's 'work sheet' (**DOC 10**) for the 1962 Planning Permission states at the bottom of this form, "***Site excluded from County Councils Green Belt Proposals***". This comment clearly confirms the 1957 ECC Green Belt submission to HLG (**DOC 5**).

**Point (15) 1964 November**

**(DOC 11)**

ECC issued their Review of the 1957 Development Plan and that plan was in two parts.

**(a) Part 1** The 'written statement' and map/plans. This was a document that was and had to be submitted to the Minister of State for approval. It is a legal fact that the Approved Written statement has priority over maps and plans.

**(b) Part 2** A report on the Review, this came in the form of an overarching statement for the County, and a booklet for each District (approx 28 Districts in 1964) together with the map/plans for each area.

**(c)** The map/plans for **a & b** above for the District of Rochford, showed that the original 1957 much smaller Residential Areas for Hockley was to be extended.

(d) The Folly Lane Area of Hockley was also to be formally extended, (by 1962 this had already taken place by Ministerial Direction). As confirmed by **DOC 11**.

(e) This 1964 map for Rochford/Hockley suddenly showed the Residential/Green Belt Boundary bisecting the site of Westview from its front roadside boundary to its rear end of the garden boundary.

(f) At Paragraph 36 of the Review booklet for Rochford states

*"36 As a result, most of the housing development has taken place within the gross residential areas as defined on the 1957 Town Map, though some land, notably at Folly Lane \* and adjoining Marylands Wood, has been released for housing to meet rising demand. Other small areas have been released for housing off Woodlands Road and Thorpe Way, Hockley, together with limited infilling in Rectory Road".*

\*which clearly included Westview. My underlining.

This text was released in 1964 (and thus evidently written well before Nov 1964), it is quite clear that Folly Lane '*has been released*', - please note grammatical use of the 'past tense'.

(g) The acreage relating to the proposed enlargement of the Hockley Residential Development area as stated in the 1964 Written Statement (a) does not accord with the map/plan. The written statement describes a greater amount of land in Hockley to be released than what the map/plan shows.

(h) In 1976 this '1964 Review' was approved in this form by the Minister. In the case of the Residential extensions to/in Hockley the Minister increased the acreage, but the maps remained as drawn in 1964. It is clear that in the absence of any documented interceding events, at all, that could amend or negate the documentary evidence I have uncovered, that the '1964 Review map' was drawn in error across the middle of Westview. Whereas the 'Approved Written Statement' was correct, the law is quite clear on this point and that the 'Approved Written Statement' has priority over maps and in the interests of natural justice should be so acknowledged and respected and this error corrected as supported by the 1995 Local Plan Inspector, Peter Platts.

For the sake of brevity the data in respect of the acreage issue has not been submitted however recently it has been submitted to both ECC and RDC, they have deliberately (it seems) made no comment. It can be re-submitted if required.

**Point 16. 1967 21<sup>st</sup> November**

**(DOC 12)**

Crucially during the 1950's and 1960's Essex County Council, the statutory Planning Authority, were engaged in examining and revoking valid and exercisable non time limited residential planning permissions across the Green Belt southern part of the County. They were granted **before** the Green Belt was imposed, however after the Green Belt zoning these many sites found themselves in the new Green Belt. An example of this occurred about 200 yards away north from Westview in St Peters Road. On that site as late as 1967 ECC took great pains to revoke a 1949 non time limited Residential planning permission in St Peters Road that existed in what then became the new Green Belt. This planning permission was revoked solely on Green Belt grounds with the appropriate compensation paid out of ECC's budget to the owner.

This obviously raises the question why didn't ECC revoke the Planning Permission at Westview, the obvious answer is because it was the intention of ECC for Westview to remain Residential.

#### ***4.0. Summary of the evidence to support the claim of error.***

**4.1.** It is a fact that in 1957 the whole 1.22 acres of Westview was zoned 'White land' and clearly lay in the 'Proposed Development Area' and never in the green belt at any time during this period literally up to the release of the 1964 map.

**4.2.** The historical documents prove that all three planning applications, Folly Lane, Fountain Lane and the Westview site were all dealt with in accordance with the Government published *'The Direction'*. Which meant that the planning applications were not in accordance with the Development Plan but that they were specifically approved by the Special Powers Committee whose powers to grant PP to applications not in accord with the Development Plan came directly from The Town and Country Planning (Development Plans) Direction 1954

**4.3.** As a result of these planning permissions being granted by way of the 1954 Ministerial Direction, Section 6 (2) of the original 1947 Planning Act clearly meant that the 'Development Plan' was amended accordingly.

**4.4** In the case of Folly Lane this was referred to the Minister, who gave his seal of approval for the permission and, as a direct result, the conversion of the *'Proposed Development Area'* into a *'Ministerial Approved Residential Area'* occurred as a matter of fact.

**4.5.** Exactly 1 year after the Folly Lane approval the ECC *Special Powers Committee* granted PP at Westview, for exactly the same reason that Folly Lane was granted planning permission. Specifically and namely that it was *'white land in the Proposed Development Area'* that was converted to a **Ministerial Approved Residential Area**.

**4.6.** On 13<sup>th</sup> June 1961 ECC particularised the area of land to be zoned Green Belt by way of producing a map describing the new Green Belt and other zonings for the District, the 1999 RDC expert planning witness statement establishes that this map was in existence at RDC in 1999, however it now appears to have gone missing.

Again I refer to Para 36 of the 1964 Review booklet which clearly states that the land at Folly Lane 'has been released'. **NB** specific use of the 'past tense'. **(DOC 11)**

**4.7.** The officer's 'work sheet' for the 1962 Planning Permission at Westview is further proof that the site was *'excluded from the Green Belt'* and in *white land in the Proposed Development Area'*. **NB** Again note the use of the past tense use of the word *'excluded'*. **(DOC 10)**

4.8. Therefore, if it was excluded from the Green Belt in 1957 and then granted a permanent (never ending) non time limited Residential planning permission across the whole site in 1962, what then is the professional justification for, and without records of any consultation or warning, suddenly 2 years later on their own ECC Review Plan did ECC show the northern half of Westview to be suddenly located in the Green Belt? A land zoning to which it had never before been subjected. As a conscious decision this action defies all rational planning thought and especially the statutory process, of which strikingly there is no record.

4.9. As the directly succeeding sole family member owner of the site I can state that as a young adult I was never aware that my father was ever approached by the Authorities to state that they were going to zone the Northern part of Westview as Green Belt with the implied threat of revocation by ECC of a residential permission barely two years old from it's grant, that when implemented without any possible hindrance from ECC, would lead to inappropriate development in that area of alleged 'Green Belt'. This occurred with its potentially severely negative consequences for any future development rights. During my extensive investigation I can also state that no evidence has come to light to show that any such an approach to my owner father ever took place.

4.10. Neither have Rochford District Council nor Essex County Council ever claimed or supplied any evidence at all to support their theory that the 1964 act of division of Westview was a demonstrably deliberate considered conscious act and demonstrably committed without error. The most I have had is from the RDC planning department who naively claim, without a shred of evidence, that it is in the correct position because a couple of local plan Inquiries have 'rubber stamped' it, also without seeing or demanding any evidence from the Council's that its claim is correct. All they can mount is their pure gainsay rebuttal against this fully evidenced claim that the Planning Inspectorate feebly choose to accept in the face of my wealth of documentary evidence that there is a gross error here.

4.11. Note please the formal revocation of the 1949 PP at St Peters Road, Hockley on Green Belt grounds, and why didn't ECC revoke Westview (DOC 12)

4.12. My previous error submissions have not contained the new evidence found of 'The direction', or the 'Special Powers Committee' or the fact that Westview was originally zoned in 'White land in a Proposed Development Area' and never in the Green Belt. Neither have I made reference to the 1961 Town Map (Page 141 Doc 9) that the 1999 RDC Planning witness used, but which has now gone missing. Nor did I refer to the 1961 100 houses PP in Folly Lane, again the full documentation relating to this application is also missing. **These missing and highly significant documents are conspicuous by their absence, I have not been offered a satisfactory explanation by the LPA as to why they are not available to me for my inspection.** However at no time have the Authorities claimed that I was wrong in my allegation of error. The evidence now presented herewith is profound and conclusive that in 1964 when the



review plan was produced to show the extent of the alleged Green Belt at Westview and bisecting it, it was clearly set out across that site in error.

## ***5.0 Postscript - how did the error occur?***

5.1 Why and how did the cartographer(s) compiling the 1964 plan make such an error? The answer is strikingly simple and totally understandable. The base map they were using was littered with detail errors including houses in the vicinity that showed houses still there that were long demolished and houses that were there as missing. Why? Because the ECC had deliberately and consciously declined to update their O.S. maps detail due to cost, this is recorded officially in their minutes and admitted at a contemporary Public Inquiry.

5.2 They continued to use those maps with plainly wrong old details including boundaries that had long since ceased to exist and new ones that were missing. A classic example is the appeal decision I found in the RDC area that concerns a property known as Multo Bella in the Rayleigh/Eastwood Road dated 1962. ECC had used an out of date map to define the Green Belt boundary by means of an angled hedge/ditch line that no longer existed at that time. It was an unsound boundary as decided by the Planning Inspector.

5.3 That Planning Inspector then contentedly allowed that planning application appeal that recorded and then amended that mapping fault and took the admission in that Public Inquiry by ECC that it was drawn in error due to out of date maps driven purely by the ECC's admitted £15,000 costs consideration of renewing them with up to date correct ones.

5.4 On the base map used in 1964 for Westview, and used right up to date, the base map detail showed and still shows the garden north boundary details as those existing on the 1935 O.S. review. It showed a garden line in the place where the green belt boundary was placed, yet by even 1950 that boundary did not exist and the planning unit already covered lawfully the whole 1.22 acres, right up to its neighbour Windfield, since before the original 1947 Planning Act.

5.5 The non existent (on the ground and in property law) boundary shown on the base map, and mistakenly used by the Review Map cartographer to locate the green belt boundary, had no force at all in relation to the lawful planning unit by the time he or she tried to draw the Green Belt boundary to that 'line'.

5.6 It is quite likely that the cartographers were aware of the permission at Westview because the Special Powers Committee decisions that defined the residential areas and the revocation action that was also occurring that would inform them where the Green Belt boundary should go.

5.7 So they innocently drew the Green Belt boundary to the wrong smaller garden north line to try to reflect that residential permission just recently granted at Westview, but of course they were hopelessly wrong; beguiled by a defective map as publicly admitted by the ECC in that 1961 Public Inquiry.

5.8 The time is now, and long overdue for RDC ECC and the Planning Inspectorate to admit the error at Westview and grant permission for this application to established the lawful residential development rights so wrongly denied to the owner of Westview for decades now.

5.9 On a practical note, the frontage of the site is 200 feet, the Residential area as zoned in 1964 is 80 feet, if the LPA continue to claim there was no error I would like an explanation of the following; in 1964 the existing building width of Westview took up 55 feet of the 80 feet, so how do you fit two additional detached houses on the remaining 25 feet if there was not an error?.

## ***6.0 Legitimate Expectation***

I have not included the documents mentioned in this section to support my claim, however at moments notice I can produce the appropriate copies.

This legal doctrine applies to all Public Bodies, the principles and full implications of this doctrine are well known to all Local Planning Authorities and the Legal Departments of those LPA's.

The following L/E apply to me and the site of Westview, I shall discuss each in chronological order.

### **6.1. Legitimate Expectation No 1.**

#### **Background information.**

1. When my father purchased Westview in 1951 his family consisted of my mother, my brother and I.
2. In October 1961 in relation to the entire site of 1.22 acres of Westview my father applied for Planning Permission for two additional residential properties to be sited on the whole 1.22 acres of Westview. At this point Westview was zoned as being in a Ministerial approved 'Residential Area'.
3. In February 1962 Essex CC granted Everlasting non-time limited Planning Permission for the retention of the existing dwelling of Westview and the construction of two additional dwellings over the entire 1.22 acres. My father stated to us at the time that one of these approved dwellings would be mine and the other for my brother who died at a young age (27) unexpectedly.
4. The sole purpose of obtaining Planning Permission was to provide homes for his two sons, my brother and I.
5. From 1959 I am mentioned in my parents 'wills'.

#### **Conclusion**

As a result of this 1962 PP granted by Essex CC from February 1962 my brother and I had legitimate expectations that in the future we would be provided with a home that would be built on the land that is now zoned G/B in error.

### **6.2. Legitimate Expectation No 2.**

Therefore having established that I had a L/E at No 1 it must follow that my brother and I also had a L/E for Essex CC to carry out their 1964 Review tasks in a competent manner, and which I can prove by the foregoing evidence that they did not.

### 6.3. Legitimate Expectation No 3.

It will be seen from the documents that my mother died in November 1962 and in July 1968 my brother died prematurely, it is also a fact that in Sept 1968 my father made out a new will naming me as sole heir to Westview. This will was never changed and was the will that was accepted as valid on my father's death.

### Conclusion

In 1968 the 1962 Planning Permission was live, I can therefore claim that because I was the sole heir to Westview I had a L/E to all of the benefits to Westview.

### 6.4 Legitimate Expectation No 4.

It is an established fact that a Public Body must carry out its duties in a spirit of '*Fairness and reasonableness*' and furthermore they have a duty not to abuse their powers.

Therefore it must be assumed that this also encompasses the issue of honesty at all levels and in all situations, not only telling the truth, but telling the whole truth and nothing but the truth.

I have now established that RDC have failed to disclose certain documents, and have failed to disclose the true planning history of the site, they have omitted certain key events, whilst quoting facts that were at least 41/4 years out of date in order to conceal the true facts. **However as a result of this statement they are now aware of their duties to provide me with a 'Fair Hearing' in respect of this re-submission in March 2014;**

1. By dealing with the history of the Westview site back to the earliest records that RDC have of the site. (In 1999 the RDC planning witness started with this evidence)
2. By dealing with the history of the site and area from just after WWII forward in an open and honest manner, or agreeing with my archive documents supported account of the history.
3. By disclosing all relevant material, maps etc.
4. By dealing and disclosing all **relevant** material relating to the Folly Lane Planning Permissions and applications on what is now the Gay Bowers and Laburnham Grove Area.

5. By detailing all the evidence, if any, to show that there was a formally arrived at change of policy in 1964 with regard to the position of the Green Belt boundary at Westview. A position on that site radically different from that which existed before and that which can be demonstrated to have existed before 1964, right up to the issue of that 1964 plan. This will include the evidence that it had somehow been decided that the G/B boundary was to be drawn tighter around this part of Hockley, specifically at Westview, and the reasoning behind that radical decision.

6.5. Despite the fact that I have claimed error since 1994, and that both ECC and RDC have failed to assist in uncovering the true history, it is only as a result of my tenacity that has uncovered the truth behind the Planning History of the Area and the site which clearly shows the intentions of ECC in relation to the permanent zoning of the northern half of Westview as residential.

6.6. I have no doubt that the LPA will claim that they had an approved Development Plan that shows the Northern half of Westview zoned Green Belt, and as a result they had no need to go further back into the history. This position does not hold water for the reasons already given in this statement, and thus the LPA's position of denying an error has no merit.

## ***7.0 Design and Access Assessment***

7.1 This part of the D+A sets out the proposed scheme against the normal residential development criteria applied to such scheme within the residentially zoned areas of the Rochford District Council area.

7.2 The Site and its Surroundings. The application site forms approximately just a little over half the depth of the northern half of the garden (0.6 Acres approx) of the original property known as Westview, Church Road, Hockley. That entire original plot of lawful garden land is proven to now lie lawfully within the residential zone of the settlement of Hockley for the reasons previously described in this statement.

7.3 Therefore Green Belt policies do not lawfully apply and the site is surrounded almost on all four sides by houses and their respective gardens, with a light industrial estate to its rear, formerly a mushroom farm until a more recent grant of planning permission for the current commercial use. That site has now been granted planning permission for 50+ houses and this part of Hockley is in a sustainable location as established by the Council in granting that permission at Pond Chase Nurseries and on a previous appeal decision at Westview. A single dwelling does not trigger the need for consideration of the issue of affordable housing. The character of the area is on the urban side of an Arcadian urban layout and definitely not open countryside. The southern half of Westview and its garden and a dwelling called Oakhurst are undergoing redevelopment of demolition and construction of 8 detached 4 bedroom dwellings approved in 2007.

7.4 Opposite and slightly to the South lies a massively redeveloped dwelling called Eastview that was until recently a large sprawling bungalow lying half in and half out of the green belt now entirely demolished and in its place a three storey dwelling in pastiche Victorian style erected for/by a local builder. The two dwellings opposite the application site, Saffrons and Hazelmere are very large bungalows themselves massively extended with the feature of the seventies predilection for so called 'Georgian' style dormer windows. All the surrounding plots are heavily urban in their appearance regardless of a meandering green belt boundary across which the original 'Eastview' had been allowed to extend in the last 20 years despite the restrictions of green belt policy.

**7.5 Application Site, General Description.** The previously developed land of the application site now forms an obvious infill plot between the redeveloping part of Westview and the dwelling to the north known as 'Windfield'. All the neighbouring dwellings are substantial dwellings with good sized gardens, some lie within the residential area of the settlement of Hockley whilst others lie in the MGB even though they are contiguous with each other and as such do not constitute open countryside. The setting and density may reasonably be described as almost 'Arcadian' and is all 'Previously Developed Land' as originally defined in PPG3 and confirmed on previous appeals.

7.6 The original Westview was demolished to permit the construction of 8 detached houses on an expanded residential plot that incorporated approximately 80 feet of the width of the Westview plot and also included the dwelling and garden of Oakhurst . So far 3 have been constructed with the foundations for two more laid and their access road/drive leading off Church Road into this development lies to the immediate south of the application site. There are no unusual levels issues between the application site and its neighbours.

7.7 On the application site are the piled foundations of three substantial single storey outbuildings allowed under previous permitted development rights (pre Oct 2008) commenced in 2006/7 that related to the original dwelling Westview and were the subject of the issue of a Lawful Development Certificate by Rochford District Council in 1999.

7.8 No significant boundary trees will be adversely affected and there are no 'on site' trees of any significance. Previous wildlife surveys of Westview demanded by the LPA have revealed no significant presence of protected species colonizing or resorting to the whole of the original Westview.

7.9 A re-survey was not expected to add to this knowledge in any way but was carried out at the insistence of the LPA in 2007 and was submitted as part of the 2007 application. Translocation of slow worms, from a very small area of Westview, was carried out by wildlife experts at the time of this submission and was completed by September 2009.

7.10 **The Proposal.** It is proposed to erect a new 4 bedroom detached dwelling with detached double garage on the remaining northern half of the original garden of Westview and fronting Church road. The detached garage proposed to serve it will lie about 1 metre off the north boundary and its front wall will lie almost level with the rear wall of the new dwelling. The new dwelling will lay centrally within the plot, its flank walls lying 10 and 12 metres respectively off the side boundaries. The footprint of the new dwelling will be 9m x 14m.

7.11 The access drive will lie next to the north side boundary road with a large drive and turning area to the north flank and front of the new dwelling.

7.12 **Access arrangements** There are good sight lines at this point of Church Road for traffic gaining egress from the site. On site manoeuvring space is very generous and no vehicle will have to leave the site in a reverse gear from what is proposed to be a single point of vehicular access.

7.13 **The Dwelling - type and finishes.** The new dwelling will be built at ground floor in multi stock face brickwork with smooth render above with applied 'bogus' timber beams to give a mock Tudor style. The roof will be finished in plain tiles. The double garage will have a hip end roof and also be of plain tiles with smooth render elevations. The dwelling will have an overall approximate footprint of 14 metres wide by 9 metres deep



with a front entrance two storey projection with traditional gable end pitched roof to create a central focal feature. The proposed scale of the dwelling is clearly acceptable in this part of the district and Church Road as evidenced across the road with the most substantially sized replacement dwelling allowed to encroach into the green belt on that opposite side of the road and very large associated garage fully in the green belt part of that site at Eastview opposite, approved about 7 years ago.

7.14 The dwelling, internally as well as garden size wise, is intended to provide higher quality family accommodation. Plot size generally will provide for well in excess of the normal minimum of 100 square metres gross private garden area. Also no significant flank windows are proposed and in addition, to enhance privacy, visual amenity will be enhanced where the side common boundaries between Oakhurst and Windfield will have semi mature (evergreen and deciduous) saplings of indigenous species planted where appropriate or to be agreed by condition. The boundary with Windfield is already well treed and is not expected to require any supplementary planting.

**7.15 Privacy and Overlooking factor** The intended semi mature sapling planting suggested here to be along part of the common south side boundary of the plot will prevent any side to back etc overlooking. In any event any overlooking that may occur is minimal and of the degree that would ordinarily be considered acceptable from first floor bedroom windows. Thus as far as 2 storey development is concerned it is proposed to achieve an above average level of privacy from overlooking anyway.

7.16 Finally there is the context of 'dealing with each application on its own merits' and is a well worn phrase that is often employed to enable Planning Authority's to deal inequitably with various schemes whether close to each other or just in the same district, and thus inappropriately accede to excessive subjective neighbour/member influence, such as previously experienced and documented in the case of Westview. In this case Green Belt policy does not lawfully apply and this proposal establishes the residential credentials of the application site whilst readily conforming to way above the usual minimum design and layout criteria of the new LDF policies.

7.17 In this case this development can be viewed favourably in the context of both the permission granted at Eastview and the extant development at Westview. It 'falls' between the two and the proximity of this proposal to both of those compels the LPA to apply its residential development standards as it has done on those two sites. Both those previous permissions are contemporary material considerations .

**7.18 Garaging and Parking** This has already been dealt with above in the details of the dwelling to be erected.

7.19 Tree Planting and Landscaping The tree planting that may be agreed to be carried out within the new garden will be of indigenous species both evergreen and deciduous to enhance privacy and amenity. Any specific planting at the south side boundary can be

negotiated/required by imposition of a landscaping and tree planting scheme. As to soft planting in front and rear gardens this scheme could be submitted as a conditional requirement of any forthcoming permission for the new dwelling.

**7.20 Drainage** That of surface water will be dealt with by drainage either to soakaways or to the ditch across the rear of the site in the ownership of both Westview and Oakhurst. With regard to foul drainage this is expected to be a mixed provision of a Klargestep septic tank system or to be incorporated with the existing new system immediately to the South.

Dudley Ball

March 2014