

APPEAL REF: APP/H1515/W/24/3353271
PLANNING APPLICATION REF. 23/01164/FUL

LAND AT OFFICERS' MEADOW, LAND NORTH OF SHENFIELD, ALEXANDER LANE,
SHENFIELD, ESSEX, CM15 8QF

PROOF OF EVIDENCE
OF
COUNCILLOR DR GARETH BARRETT BSc, MSc; PhD

ON BEHALF OF
BRENTWOOD BOROUGH COUNCIL

Introduction

1. I am Councillor Gareth Barrett. I have served on Brentwood Borough Council for ten years and am familiar with the Shenfield Alexander Lane site and local housing needs. I was a Councillor throughout the period the current Local Plan was developed and I believe this is a site that should be developed – but respectful of, and compliant with, the policies set out in Brentwood's Local Plan.
2. I am presenting evidence to support the Council's position in refusing planning permission for Planning Application Ref. 23/01164/FUL, submitted by Croudace Homes.
3. While I recognise a formal Decision Notice was not issued prior to the appeal for non-determination, my evidence reflects the Council's concerns and the reasons for refusal presented at the Planning Committee meeting I attended on 9 July 2024.
4. Given my comments and statements at that meeting, my primary focus is on the inadequate provision of affordable housing within the proposed scheme.

Affordable Housing: Core Policy Requirements

Policy HP05 (March 2022)

5. Brentwood Borough Council's Local Plan (adopted March 2022) establishes a clear framework for affordable housing provision. Policy HP05 (Affordable Housing) mandates a 35% affordable housing requirement on major developments, with a crucial tenure split of 86% Affordable/Social Rent and 14% other forms of affordable housing.
6. Policy HP05 - Affordable Housing of Brentwood's Local Plan states that:

“2. In considering the suitability of affordable housing, the Council will require that:

 - a. the tenure split be made up of 86% Affordable/Social Rent and 14% as other forms of affordable housing (this includes starter homes, intermediate homes and shared ownership and all other forms of affordable housing as described by national guidance or legislation) or regard to the most up to date housing evidence;*
 - b. the affordable housing be designed in such a way as to be seamlessly integrated to that of market housing elements of a scheme (in terms of appearance, build quality and materials) and distributed throughout the development so as to avoid the over concentration in one area; and*
 - c. the type, mix, size and cost of affordable homes will meet the identified housing need as reported by the Council's most up-to-date housing evidence.”*
7. This policy is underpinned by robust evidence, including the Local Plan Viability Assessment which demonstrates the deliverability of this requirement.
8. Notably, Policy HP05:

- a. Explicitly states, at 2.c.), that “the "type, mix, size and cost of affordable homes will meet the **identified** housing need," emphasising the importance of providing the right kind of affordable housing, not just an arbitrary percentage; and
- b. Explicitly confirms, at 2.a.) and c.), that this will be determined by reference to the “most up-to-date housing evidence”.

9. The key item for the mix of bedrooms by tenure, is as outlined in Figure 6.2 of the Local Plan, which I include below:

Indicative Size Guide for Affordable Housing

Tenure	% Split	One bedroom	Two bedrooms	Three bedrooms	Four/+ bedrooms	Total Size
Affordable rent/Social rent	86%	31%	24%	19%	26%	100%
Other forms of affordable housing	14%	28%	36%	24%	12%	100%
Total Tenure	100%					

Turley’s South Essex Housing Needs Assessment (June 2022)

10. Given that the Local Plan pre-dated Turley’s June 2022 South Essex Housing Needs Assessment (SEHNA), I also gave the SEHNA appropriate weight in my analysis and decisions at the 9 July 2024 meeting, albeit taking it into account the SEHNA has not been subject to consultation¹. Indeed, to the best of my knowledge:

- a. This evidence had not been utilised in any planning meeting before this date for Affordable Housing allocations²; and

¹ And has now been superseded by subsequent evidence, as I explain below by reference to the recent work of the ARK consultancy.

² I have searched every committee paper since the date of the SEHNA publication and am therefore confident this statement is accurate. The 2016 SHMA was used as the basis for affordable housing in the Nags Head Lane site in February 2024. However, no other

- b. Neither had it been subject to testing by the Planning Inspectorate as sound in line with the Local Development Plan.
11. Questions on this evidence were raised at the 9 July 2024 meeting, given that it reflected an unrecognisable assessment of our Housing Register. For reference, this data is published in our Housing, Health and Community Committee Chair's Report (meetings on the 11th March and 17th June 2024). This meant that before joining the Planning Committee, I was aware of the Register as outlined in the table below. Considering these figures, I was also keenly aware that transfers to a larger property would broadly free up a smaller property.
12. In particular, while there is an extant demand for one-bedroom affordable rent homes, there is a high, and increasing, number of incumbent residents in smaller accommodation seeking to move to larger accommodation (only being eligible if they are overcrowded). Adding a larger home to the stock therefore helps to meet two demands : it helps to meet the need of a resident/family looking for a larger property; and, at the same time, it frees a smaller property for that demand – thus reducing the demand by two families, while one-bedroom accommodation normally impacts only one.
13. Still, given its existence, I did attribute weight to the SEHNA at the meeting whilst also seeking evidence on the night as to whether the Appeal Proposal met with its

application has an affordable housing requirement between Croudace and this date). In December 2023, a non-compliant (with the SHMA) site was proposed (Ewing House), but they justified a variation based on Build to Rent Guidance not the SEHNA. It was not referenced in the outline Dunton Hills application in November 2023, nor at Nags Head Lane (back in July and November). The SHMA was used for the Kelvedon Hatch and Blackmore LDP sites in October 2023. In March 2023, De Rougemont Manor application had a viability assessment (and an independent assessment from ARK) , but no reference was made to the SEHNA. In another meeting in March 2023, regarding Blackmore LDP sites, specific reference is made to the table in the Local Plan for allocations and tenure.

assessment of affordable housing needs, noting that this included a tenure split of 86% Affordable/Social Rent and 14% other forms of affordable housing.

ARK Consultancy Report (December 2024)

14. It is also worth noting, however, that, the SEHNA's Preface expressly encourages Councils to undertake a further update, given that the data available was taken at a turbulent time, explaining that such an update would also provide the Councils with the opportunity to monitor emerging trends, relating to hybrid working and changing preferences for example, and collect data that could enable the refinement of key assumptions. This accords, of course, with the Policy HP05 2.a.) and c. requirement to take into account the "most up-to-date housing evidence".
15. Notably, therefore, Brentwood Borough Council has recently received (Dec 2024) a more up-to-date, evidence-based, guidance document, commissioned from and produced by ARK Consultancy, and informed by the Council's live Housing Register and recent consultation engagement with local registered providers. This Planning Practice Guidance Note has not yet been formally published by the Council, but is part of the Council's emerging housing evidence base.
16. This Ark Guidance Note identifies the shortcomings in the affordable housing mix requirement emerging from the 2022 SEHNA completed by Turley Associates; and firmly endorses that the Council's policy expectations should remain founded primarily on the results of the 2016 Strategic Housing Market Assessment, at least as a baseline for expectations.
17. While the ARK Consultancy Report was unavailable at the time of the decision, I felt (even then) that insufficient evidence had been submitted (in line with sub-paragraphs 2.a.) and c). of Policy HP05 to justify considering a SEHNA baseline instead of that set out in the Local Plan³. My instincts in this, informed by long

³ And, in any event, the Appeal Proposal submitted by Croudace was not in line with these requirements.

experience on the Council and of local housing needs, have since been confirmed by the more up-to-date evidence produced by ARK.

Mismatched Affordable Housing Provision

18. The Appeal Proposal, while meeting the headline 35% overall affordable housing requirement, significantly deviates from the Local Plan's requirements for affordable housing mix and tenure. The proposed tenure split of 47% Affordable Rent and 53% Shared Ownership is a substantial departure from the policy's 86%/14% split, representing a significant loss of social rented housing opportunities for Brentwood residents.
19. The proposal's mix of affordable unit sizes is also a concern. The SHMA outlined clearly the splits is noted previously (Indicative Size Guide for Affordable Housing). The alternative that was put forward on the night as an alternative basis (SEHNA) makes clear a need for 49% one-bedroom, 36% two-bedroom, 14% three-bedroom, and 1% four+ bedroom affordable units for Brentwood.
20. The Officer's Report to the Planning Committee stated as follows on page 16:

"However, there is a further policy requirement that the "type, mix and size of the affordable homes will meet the identified housing need as reported by the Council's most up-to-date housing evidence". Informed by the latest evidence from the Council's Housing Register, the Council's Housing Team have identified a greater need for larger affordable rented homes within this location.

"To seek to reflect the latest identified local housing need, it's requested the applicant reconsider the tenure split and the number of larger rented affordable housing units offered; with the aim of decreasing the number of 1 bed affordable rent (which recent market indicators show RP's may be reluctant to take on) and increasing the number of 3 or 4 bed rental units. To accommodate this shift, driven by up to date local needs data, a degree of flexibility on the tenure split can be offered."

21. A movement of some 39% in tenure type is an unarguably high degree of flexibility, which would need to be merited by a significant move to meet so-called local needs.

22. More specifically, the Report also stated as follows, on page 42:

“9.95 The initial affordable housing offer comprised an 86% / 14% ratio of affordable rent to low-cost homeownership, in line with LP Policy HP05. However, the Housing Manager advised that the policy requirement no longer reflects the BBC Housing Need Register, which clearly shows a strong, long-term need for family units (2 bed+). It was therefore requested that the number of family units be increased.

9.96 The Strategic Policy Team confirmed that, in order to facilitate the requested change, an amendment in tenure ratio would be allowed, to 45% affordable rent and 55% low-cost homeownership.”

23. While the Appeal Proposal provides a considerable proportion of one (27%) and two-bedroom (60%) affordable units, it falls short in providing larger family-sized homes. From a total of 121 affordable homes, the scheme proposes only 13 three-bedroom units and two four-bedroom units. This equates to approximately 11% and 2% of the affordable provision, respectively, considerably less than the 14% and 1% suggested by the SEHNA for three-bed and four-bed units – while seeking a major deal of ‘flexibility’ in the 86% Affordable/Social Rent and 14% as other forms of affordable housing tenure split.

24. A considerable part of my analysis and decision-making related to my concerns that, while it could be argued that two + may include some element of two-bedroom properties, only moving to these and decreasing three-bedroom did not provide sufficient movement to justify the variation from policy. Collectively, this led to my analysis that the Applicant had not actively sought to use evidence that

would justify the utilisation of 2.c. in HP05, not evidencing that they were actively seeking to meet an alternative evidence base.

25. This shortfall is particularly concerning given the evidenced pressing need for family-sized affordable housing in Brentwood. I therefore supported a refusal on the basis that the application failed to meet HP05, especially in relation to Table 6.2.

Lack of Justification for Departure

26. The Appellant's claim that affordable housing requirements have "moved on" since the adoption of the Local Plan was from the evidence produced and the proposals put forward unsubstantiated. The lack of a clear evidence base was key but also that they have not provided a viability assessment to demonstrate that meeting the policy's 86%/14% tenure split or the unit size mix suggested by the SEHNA is unviable. It failed at the first assessment, but still would have failed at the second.
27. More broadly, I believe that discussions with Council Officers and a privately produced Development Framework, without member engagement or consultation, does not constitute an agreement to deviate from policy, and the final decision rests with the Planning Committee.
28. Looking at the greater level of information available today with the evidence from ARK Consultancy's developing Planning Practice Guidance Note, I believe that the lack of evidence made available for an alternative approach, is now compounded by evidence that shows any evidence that could have been used to justify it was flawed. The ARK Consultancy report states that:

"3.14 Turley state that it has relied on information provided by Brentwood to arrive at the breakdown of size of affordable housing required. The report does not provide this data and ARK has checked with the Council officers who hold housing needs data and none could recall being asked by Turley for relevant

information. Based on the data ARK has studied, it is difficult to understand how Turley arrived at a requirement of 49% of new affordable homes being 1 bed units.

3.15 Elsewhere in the Turley report it states that ‘households with children would be expected to drive growth in Brentwood....’ This observation does not seem to accord with the projected affordable housing requirement.

3.16 Another comment in the Turley report may illustrate a reason for the seeming misrepresentation of the requirements for affordable housing by dwelling type. It explains the approach taken to distributing the overall affordable housing requirement by dwelling type.

‘This stage of the calculation can also be broken down to illustrate the number of bedrooms needed with such information specifically recorded by the housing registers... the number of bedrooms required by these households has been assumed to align with the requirements of those already on the housing register in each area, excluding transfer tenants. This is considered to provide a robust if illustrative basis for estimating needs, in the absence of sufficiently comprehensive data’

3.17 The following section of this guidance, Section 4, explains how the housing register and linked allocation policies actually operate. It explains that families who are not existing council tenants are registered only as eligible for flats. Subsequently, those families have to register for a transfer in order to access houses. So, if transfer applicants are excluded from an assessment of the affordable housing requirements, this will understate to a substantial level the need for houses. Also, a significant proportion of applicants on Brentwood’s register seeking small dwellings, particularly one-bedroom dwellings, are older households. Often those households are seeking bungalows or sheltered housing. They skew the housing requirement very considerably. ARK’s clear impression is that Turley has not appreciated the

factors outlined above and has therefore grossly overestimated the proportion of the affordable housing requirement which should be met by one-bedroom dwellings.”

29. The updated evidence base demonstrates that this type of variation would not justify the movement in bedroom availability from the SHMA, let alone the flexibility of tenure requested.

Conclusion

30. The Appeal Proposal's failure to align with the Local Plan's affordable housing policy, particularly in terms of tenure split and the provision of family-sized units, and its mismatch even with the flawed SEHNA evidence, demonstrated a clear conflict with the development plan. Without the provisions of a robust justification for this departure, the proposal was unacceptable, and therefore, I supported refusal at the Committee.
31. My comments and decision-making process followed the principle of development in line with the Local Development Plan, allowing for a degree of site-specific and special circumstances variation.
32. Since updated evidence has determined that the specific evidence that attempted to justify significant variation from the Local Plan (if affordable housing provision had moved in line with requests) has been indicated to be incomplete and flawed, I believe the reasons for refusal have been reinforced. I urge the Inspector to uphold the council's position and dismiss the appeal.
33. I look forward to a policy-compliant, or well-evidenced variation, application on this site and for the development of new houses that appropriately add to our community.