

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

OPENING STATEMENT ON BEHALF OF BRENTWOOD BOROUGH COUNCIL

1. Sir, you will have seen the Joint Statement that was forwarded to you at the end of last week, and in which the Council confirms that it is now in a position to recommend to you that planning permission be granted for the Appeal Proposal, albeit pursuant to a radically improved affordable housing mix.
2. It will be helpful, I hope, to both you and members of the public, if I take just a little time to explain why the Council has reached that conclusion.
3. As you will have appreciated from your reading of the papers, the Council never issued a Decision Notice in this case, but – at the Appellant's request – did give three putative reasons for refusal:
 - a. The first related to the detailed design of the entrances to the development;
 - b. The second, a concern that there had been a failure properly to consider the needs of the community; and
 - c. The third, related to those community needs, that there had been a failure to deliver an appropriate mix of affordable housing, in terms of both unit size and tenure, when viewed against the requirements of the Local Plan.
4. In this regard, paragraph 9.4 of the supporting text to the Site Allocations Chapter of the Local Plan makes it clear that all allocations should provide affordable housing in line with Local Plan Policy HP05; and, consistent with this, paragraph 9.101 of the supporting text to Policy R03 (the site-specific Allocation Policy relevant to the Appeal

Proposal) states that development of the allocated site *“will provide a mix of size and type of homes including affordable ... in accordance with the Council’s policy requirements.”*

5. As for Policy HP05 itself, you will have seen that its requirements with regard to the “mix of size and type” of affordable homes, include as follows (as set out in Policy HP05.1 and HP05.2.a.):

a. The provision of 35% affordable housing for all proposals of 10 or more units;
and

b. A tenure split made up of 86% “affordable/social rent” and 14% “other”;

6. Furthermore, paragraph 6.36 and Figure 6.2 of the supporting text to Policy HP05 set out the Plan’s aspirations in terms of the unit size of that affordable housing, including for families, and they do so in circumstances in which, as stated in paragraph 9.95 of Officer’s Report [CD 5.01], the Council’s Housing Need Register *“clearly shows a strong, long-term need for family units”*.

7. However:

a. Whereas Policy HP05 sought 86% affordable/social rent housing, as originally proposed the Appeal Application was offering just 47%; and

b. When the Council’s Housing Need Register showed “a strong, long-term need for family units affordable/social rent homes”, just 7 affordable rent 3- and 4-bed homes were originally being proposed.

8. As is explained in the Joint Statement which is before you, however, in paragraphs 2.36-2.44 of Ms Piper’s Rebuttal Proof Evidence, the Appellant signalled a willingness to review the mix of its proposed affordable housing, in terms of both tenure and unit size, in order better to meet the Council’s concerns.

9. In particular:
 - a. In paragraph 2.36, and under the heading “The Need for Family Housing”, the Appellant confirmed that, having now seen the Housing Register and Transfer List, there was, indeed, *“a need for less 2-beds and more 3-bed dwellings”*;
 - b. In paragraph 2.38, the Appellant went on to confirm that, in light of this accepted need, they would be willing to decrease the number of 2-bed properties and increase the number of 3 beds *“to better match the need of the Housing Register [than] the current full application”*; and
 - c. In paragraph 2.39, the Appellant further went on to acknowledge the Government’s move, to support higher levels of affordable properties to rent, and, accordingly, in paragraph 2.40 stated in terms that they would also *“be willing to amend the Appeal Application tenure mix”*.
10. As you will have seen, all of this was warmly welcomed by the Local Planning Authority in its Response to the Appellant’s Rebuttal Statement, which was sent to the Planning Inspectorate on 5th February 2025, and in which it was confirmed that:
 - a. The Local Planning Authority would work with the Appellant in an endeavour to agree an affordable housing mix, hopefully to be achieved in this Appeal and without affecting large parts of the Appeal Proposals; and
 - b. To these ends, the Local Planning Authority would *“be flexible on the final actual number of 3-bed units so as to ensure that this process runs smoothly”*.
11. And as you will have seen in the Joint Statement, that exercise has been successful and an affordable housing mix has now been agreed, as tabulated in the Joint Statement at paragraph 3 (where the changes from the original Appeal Proposal are also highlighted). Put very shortly, there have been significant changes in terms of both tenure and the size of units. In particular:

- a. The number of Affordable Rent units has increased from 57 to 88 (in percentage terms, that is an increase from 47% to 73%); and
 - b. The number of 3-bedroom units has increased from 13 to 29 (+16), of which 17 will now be Affordable Rent, up from just 6 (+11).
12. The Local Planning Authority consider that this very welcome move towards meeting the most pressing affordable housing needs of the Borough, and without the need for a section 96A application so that early delivery can be achieved, is sufficient clearly to outweigh its concerns regarding detailed design of the entrances (or, indeed, the mix of uses proposed).
13. Accordingly, and for all of these reasons, the Council, as Local Planning Authority:
 - a. Formally invites you to grant planning permission for the Appeal Proposal, but with the amended affordable housing mix which has been agreed, and subject to both the Section 106 Agreement (which has likewise been agreed) and the imposition of all necessary conditions (which we anticipate will be discussed later – I can, however, confirm in advance that the Appellant has revised some of the Plans to reflect these changes and these are acceptable).
 - b. To these ends, withdraws its Proofs of Evidence, Statement of Case and those parts of the Statement of Common Ground which are now out-of-date.
14. I should also confirm, both for you and the public, that:
 - a. The Council's decisions in these regards have been taken by those with authority to do so under, and in accordance with, the Council's constitution;

- b. Those decisions have been taken, also, in complete accordance with the applicable statutory planning balance - that all planning applications and appeals are to be decided in accordance with the Development Plan unless material considerations indicate otherwise;
 - c. In particular, they have been taken because, as a matter of its own planning judgement, the Council considers that, given the significant movement towards meeting the need for affordable homes, and especially for families, the planning balance is now compellingly in favour of permission being granted.
15. Finally, and given that the parties have worked collaboratively, successfully to address these matters in the public interest, it is agreed between them that no award of costs against either party would be appropriate.

Paul Stinchcombe KC
39 Essex Chambers
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11th February 2025