

## Alex Deinhardt

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**From:** Lai, Jessica <Jessica.Lai@bromley.gov.uk>  
**Sent:** 20 February 2024 17:27  
**To:** John Escott; Brew, Claire  
**Cc:** Emma Hargreaves; Michael Pocock; Jonathan Clay; Alan Selby; Joe Selby  
**Subject:** [EXTERNAL] RE: Home Farm. 22/03243  
**Attachments:** Kemnal Rd Home Farm Polo Mews.pdf; Conservation comment.pdf; Kemnal Rd Home Farm Bothy Cottage & Bothy House (inc Flat 1).pdf; BNG comment.pdf; LBB notes on Icen self-build note.pdf

Dear John,

Thank you for your emails. As requested, I attach the following information for your information:

1. Listing descriptions;
2. Heritage comment;
3. BNG comment; and,
4. Self-build comment

There are no assessments carried out by external parties.

Thank you.

Regards,  
Jessica

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**From:** John Escott <John@replanning.co.uk>  
**Sent:** Tuesday, February 20, 2024 2:36 PM  
**To:** Lai, Jessica <Jessica.Lai@bromley.gov.uk>; Brew, Claire <Claire.Brew@bromley.gov.uk>  
**Cc:** Emma Hargreaves <Emma.Hargreaves@pinsentmasons.com>; Michael Pocock <michael.pocock@pinsentmasons.com>; Jonathan Clay <JClay@cornerstonebarristers.com>; Alan Selby <alanmichaelselby@gmail.com>; Joe Selby <joe@selby.capital>  
**Subject:** RE: Home Farm. 22/03243

Jessica,

You said you would forward the additional information to us yesterday. Please could we have it as a matter of urgency.

Kind Regards



**Robinson Escott Planning LLP**  
**Tel: 01689 836 334**  
**Email: [john@replanning.co.uk](mailto:john@replanning.co.uk)**

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**From:** John Escott  
**Sent:** Friday, February 16, 2024 11:40 AM  
**To:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>; Brew, Claire <[Claire.Brew@bromley.gov.uk](mailto:Claire.Brew@bromley.gov.uk)>  
**Cc:** Emma Hargreaves <[Emma.Hargreaves@pinsentmasons.com](mailto:Emma.Hargreaves@pinsentmasons.com)>; Michael Pocock <[michael.pocock@pinsentmasons.com](mailto:michael.pocock@pinsentmasons.com)>; Jonathan Clay <[JClay@cornerstonebarristers.com](mailto:JClay@cornerstonebarristers.com)>; Alan Selby <[alanmichaelselby@gmail.com](mailto:alanmichaelselby@gmail.com)>; Joe Selby <[joe@selby.capital](mailto:joe@selby.capital)>  
**Subject:** RE: Home Farm. 22/03243

Jessica,

I assume you mean Monday the 19<sup>th</sup> February. Please confirm.

Kind Regards



**Robinson Escott Planning LLP**  
**Tel: 01689 836 334**  
**Email: [john@replanning.co.uk](mailto:john@replanning.co.uk)**

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**From:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>  
**Sent:** Friday, February 16, 2024 8:11 AM  
**To:** John Escott <[John@replanning.co.uk](mailto:John@replanning.co.uk)>; Brew, Claire <[Claire.Brew@bromley.gov.uk](mailto:Claire.Brew@bromley.gov.uk)>  
**Cc:** Emma Hargreaves <[Emma.Hargreaves@pinsentmasons.com](mailto:Emma.Hargreaves@pinsentmasons.com)>; Michael Pocock <[michael.pocock@pinsentmasons.com](mailto:michael.pocock@pinsentmasons.com)>; Jonathan Clay <[JClay@cornerstonebarristers.com](mailto:JClay@cornerstonebarristers.com)>; Alan Selby <[alanmichaelselby@gmail.com](mailto:alanmichaelselby@gmail.com)>; Joe Selby <[joe@selby.capital](mailto:joe@selby.capital)>  
**Subject:** RE: Home Farm. 22/03243

Dear John,

Thank you for your email.

I will forward the requested information to you next Monday.

Regards,  
Jessica

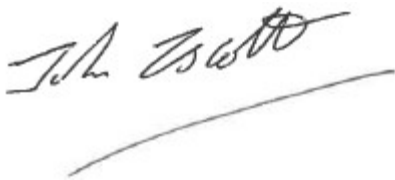
---

**From:** John Escott <[John@replanning.co.uk](mailto:John@replanning.co.uk)>  
**Sent:** Friday, February 9, 2024 10:03 AM  
**To:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>; Brew, Claire <[Claire.Brew@bromley.gov.uk](mailto:Claire.Brew@bromley.gov.uk)>  
**Cc:** Emma Hargreaves <[Emma.Hargreaves@pinsentmasons.com](mailto:Emma.Hargreaves@pinsentmasons.com)>; Michael Pocock <[michael.pocock@pinsentmasons.com](mailto:michael.pocock@pinsentmasons.com)>; Jonathan Clay <[JClay@cornerstonebarristers.com](mailto:JClay@cornerstonebarristers.com)>; Alan Selby <[alanmichaelselby@gmail.com](mailto:alanmichaelselby@gmail.com)>; Joe Selby <[joe@selby.capital](mailto:joe@selby.capital)>  
**Subject:** Home Farm. 22/03243

Dear Jessica,

Please see the attached letter regarding the above site.

Kind Regards



**Robinson Escott Planning LLP**  
**Tel: 01689 836 334**  
**Email: [john@replanning.co.uk](mailto:john@replanning.co.uk)**

<strong><span style="font-family:&quot;Calibri&quot;;sans-serif;color:red">WARNING!</span></strong><strong><span style="font-family:&quot;Calibri&quot;;sans-serif"> This message originated outside of Robinson Escott Planning. Do not click on links or open attachments unless you recognise the sender and KNOW the content is safe.</span></strong><p>

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<b>LONDON BOROUGH OF BROMLEY</b>		<b>Ward</b> Chislehurst
<b>LOCALLY LISTED BUILDINGS</b>		
<b>Address</b> 1, 2, 3 & 4 Polo Mews Home Farm Kemnal Road Chislehurst BR7 6LY	<b>Date listed:</b> between '82 & '91	
	<b>Date removed:</b>	
	<b>Reason for removal:</b>	
<b>Conservation area</b>  Chislehurst	<b>Date added to ca:</b>	
	<b>Date removed:</b>	
<b>Construction date (s)</b> <div style="text-align: right;">Late Victorian – c 1900?</div>		
<b>Construction type</b>		
<b>Architectural style</b>		
<b>Architect (s)</b>		
<b>Built as</b> <div style="text-align: right;">stables</div>		
<b>Historical information</b>		
<b>Description and Information</b>  <p>A number of buildings in the Home Farm Complex which originally served Foxbury mansion.</p> <p>Former stable block which faces into its own yard. Original painted brick walls are now concealed by a skin of modern brickwork (when converted to housing in 2000), steep slated roof, Gothic revival detailing. Yard elevation is symmetrical with three gabled returns. Central one is tallest with a higher ridge than the main roof and a slender clock tower under a steep slated roof with weathervane. The side hung timber windows are set within heavy frames (all new with conversion). Central gable to stable yard has Gothic archway at ground floor and loading door at first floor. Rear gable also has loading door with bracket and pulley surviving above. The dormers are sympathetic modern additions.</p> <p>When considered with Bothy Cottage and Bothy House this is an attractive group of architectural and historic interest. Positive contributor to the Chislehurst Conservation Area. Local list</p>		

This card was prepared in January 2006 and may be subject to future changes/ updates.

**Lai, Jessica**

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**From:** Went, Simon  
**Sent:** 16 August 2023 16:02  
**To:** Lai, Jessica  
**Cc:** Terry, Benjamin; ESD Conservation (Group)  
**Subject:** FW: 22/03243/FULL1  
**Attachments:** CHISLEHURST SPG.pdf; Kemnal Rd Home Farm Polo Mews.pdf; Kemnal Rd Home Farm Bothy Cottage & Bothy House (inc Flat 1).pdf

Hi Jessica

Further to our conversation paragraph 199 of the NPPF identifies different levels of harm to the significance of designated heritage assets, substantial harm, total loss, or less than substantial harm. A conservation area is a designated heritage asset and a locally listed building is a non-designated heritage asset.

I do consider that because of the demolition and the lack of clarity in this application the harm to the non-designated and designated heritage asset would be substantial.

The interpretation of substantial harm is a debate that has been contested in the courts. For a number of years, one particular case has been seen to offer some clarity on how to measure this important policy threshold, in the absence of detailed policy or guidance. In the 2013 case of *Bedford BC v SSCLG38*, the High Court held that in order for harm to designated assets to be considered substantial, "the impact on significance was required to be serious such that very much, if not all, of the significance was drained away... One was looking for impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."

The assessment of whether the loss of a locally listed building in a conservation area constitutes "substantial harm" depends on various factors and here are some further general considerations:

**Significance of the Building:** The significance of the building within the conservation area plays a crucial role. As these buildings are considered a key contributor to the character and identity of the area, their loss is in my view deemed substantial harm. Factors such as architectural style, historic value, and cultural importance are important and these have been identified in the local listing descriptions.

**Impact on Character:** The impact of the loss on the overall character and appearance of the conservation area is significant in this case. As these buildings removal and the general lack of clarity in this application would significantly alter the historical or architectural character of the Conservation Area, it is considered substantial harm.

**Alternatives and Mitigation:** I believe that there are feasible alternatives to demolition or significant alterations in this case. There are viable ways to preserve the Conservation Area's character and the Locally Listed Buildings' character while meeting the needs of the development.

**Public Views and Interest:** Public opinions and interests are also considered important as in this case there is a strong public attachment to the building and the Conservation Area and the buildings are considered a local landmark. The potential harm is therefore viewed as substantial.

Paragraph 4.5 onwards of the SPG is also relevant and demolition is clearly identified as being harmful and I consider that this harm is substantial in this case.

In summary, the determination of whether the loss of locally listed buildings in a conservation area constitutes substantial harm is a complex and context-dependent assessment that takes into account a variety of factors although I do consider that because of the demolition and the lack of clarity in this application the harm to the non-designated and designated heritage asset would be substantial. The significance is indeed drained away through this proposal. Substantial harm is a high test that does in my view arise in this case. When considered with Bothy Cottage and Bothy House this is an attractive group of architectural and historic interest. These Locally Listed Buildings are positive contributors to the Chislehurst Conservation Area.

Simon Went BA (Hons) MSc IHBC - Principal Conservation Officer  
Planning Division  
London Borough of Bromley | Civic Centre  
Stockwell Close | Bromley  
BR1 3UH  
Phone: 020 8313 4841 mobile 07814 357551  
[simon.went@bromley.gov.uk](mailto:simon.went@bromley.gov.uk)

---

**From:** Went, Simon  
**Sent:** 15 December 2022 14:35  
**To:** Lai, Jessica <Jessica.Lai@bromley.gov.uk>  
**Cc:** Terry, Benjamin <Benjamin.Terry@bromley.gov.uk>; ESD Conservation (Group) <conservation@bromley.gov.uk>  
**Subject:** 22/03243/FULL1

Hi Jessica,

Overall I would object to this application.

I've had a chat with Tim Walder at the GLA about this application and agree with him that the details are inadequate. We also discussed this the other evening at APCA.

Whilst I might welcome this proposal in principle from the heritage point of view, it seems quite clear that the locally listed Bothy House and Bothy Cottage contain much historic (probably circa 1876) fabric. It is also clear that these buildings have been extended in more recent years. Polo Mews are locally listed but appear to be modern or heavily remodelled. Greenacres (a small dwelling to the east) appears to be contemporary with them but does not appear to be locally listed, nor does Cherry Tree Cottage and another triple garage/office/apartment building.

Because of the lack of clarity noted above, the application is not possible to fully evaluate.

There is a need for a clear historical phasing map which shows the likely build date of each building and any extensions, together with a clarification as to what is locally listed (and why). A clear set of demolition drawings is also needed to establish what (in a conservation area) is being demolished and what retained.

It appears that Numbers 3 and 4 Polo Mews are being demolished. These are locally listed and this would contravene conservation policy, unless it can be shown clearly that wider planning benefits outweigh this harm.

It appears that part of the historic kitchen garden wall is being demolished and this is not supported, since this is key to the historic layout and function of this group of buildings.

I do not have any heritage concerns regarding the proposed new building as this is visually quite discrete from the heritage point of view and is quite geographically detached from the historic grouping.

Overall this proposal is quite confused in the heritage setting I consider.

Simon Went BA (Hons) MSc IHBC - Principal Conservation Officer  
Planning Division  
London Borough of Bromley | Civic Centre  
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BR1 3UH  
Phone: 020 8464 3333 ext. 3115 mobile 07814 357551  
[simon.went@bromley.gov.uk](mailto:simon.went@bromley.gov.uk)

<b>LONDON BOROUGH OF BROMLEY</b>		<b>Ward</b> Chislehurst
<b>LOCALLY LISTED BUILDINGS</b>		
<b>Address</b> Bothy Cottage & Bothy House (inc Flat 1) Home Farm Kemnal Road Chislehurst BR7 6LY	<b>Date listed:</b> between '82 & '91	
	<b>Date removed:</b>	
	<b>Reason for removal:</b>	
<b>Conservation area</b>  Chislehurst	<b>Date added to ca:</b>	
	<b>Date removed:</b>	
<b>Construction date (s)</b> <div>C1900?</div>		
<b>Construction type</b>		
<b>Architectural style</b>		
<b>Architect (s)</b> <div>Not known</div>		
<b>Built as</b> <div>Farm staff housing</div>		
<b>Historical information</b>		
<b>Description and Information</b>  A number of buildings in the Home Farm Complex which originally served Foxbury mansion.  Bothy Cottage is a row of farm buildings aligned parallel to the Victorian stables. Slate roof, whitewashed walls, timber sash windows – those at first floor breaking the eaves.  When considered with Polo Mews this is an attractive group of architectural and historic interest. Makes a positive contribution to the character and appearance of the Chislehurst Conservation Area. Local list.		

This card was prepared in January 2006 and may be subject to future changes/ updates.



**Lai, Jessica**

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**From:** Mellor, Paul  
**Sent:** 17 August 2023 14:43  
**To:** Lai, Jessica  
**Subject:** RE: Home Farm 22/03243/FULL1

Hi Jessica,

I'm assuming the ecologist completed the Metric (the main page isn't completed with these details) and the areas provided within the Metric appear to match those given within the habitat maps in the Ecological Report.

The UK Habitat Classification confirms that a vineyard is a 'cropland' habitat and this would score differently (lower) in distinctiveness within the Metric than orchards (high). The baseline page also does not include the existing trees at the site. Both issues would result in a lower BNG score as the baseline would be elevated and the habitat created would be lowered.

I do not consider that we can be confident of the BNG score claimed for these reasons.

Thanks

Paul

---

**From:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>  
**Sent:** 16 August 2023 12:50  
**To:** Mellor, Paul <[Paul.Mellor@bromley.gov.uk](mailto:Paul.Mellor@bromley.gov.uk)>  
**Subject:** FW: Home Farm 22/03243/FULL1

Hi Paul

Attach the required excel file.

Thank you

Regards,  
Jessica

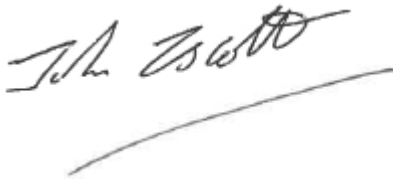
---

**From:** John Escott <[John@replanning.co.uk](mailto:John@replanning.co.uk)>  
**Sent:** 16 August 2023 12:24  
**To:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>  
**Cc:** Alan Selby <[alanmichaelselby@gmail.com](mailto:alanmichaelselby@gmail.com)>; Joe Selby <[joe@selby.capital](mailto:joe@selby.capital)>; Eddie Selwyn <[Eddie@ecologypartnership.com](mailto:Eddie@ecologypartnership.com)>  
**Subject:** FW: Home Farm 22/03243/FULL1

Jessica

Please see Eddie's comments below.

Kind Regards



**Robinson Escott Planning LLP**  
**Tel: 01689 836 334**  
**Email: [john@replanning.co.uk](mailto:john@replanning.co.uk)**

---

**From:** Eddie Selwyn <[Eddie@ecologypartnership.com](mailto:Eddie@ecologypartnership.com)>  
**Sent:** Wednesday, August 16, 2023 12:16 PM  
**To:** John Escott <[John@replanning.co.uk](mailto:John@replanning.co.uk)>  
**Cc:** Joe Selby <[joe@selby.capital](mailto:joe@selby.capital)>; Alan Selby <[alanmichaelselby@gmail.com](mailto:alanmichaelselby@gmail.com)>  
**Subject:** Re: Home Farm 22/03243/FULL1

Hi John,

The excel is not locked. I think they did not enable macros when the file was originally opened.

If they are not prompted when the file is open, they might have to do it manually.

To help, I have attached the file with the trading summary tab now active.

Thanks,

Eddie

Eddie Selwyn BSc (Hons) MSc QCIEEM  
Principal Ecologist

E: [eddie@ecologypartnership.com](mailto:eddie@ecologypartnership.com)  
T: 01372 364133  
W: [www.ecologypartnership.com](http://www.ecologypartnership.com)

**ECOLOGY**  
PARTNERSHIP



*Please consider the environment before printing this email.*

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**From:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>  
**Sent:** Wednesday, August 16, 2023 11:59 AM  
**To:** John Escott <[John@replanning.co.uk](mailto:John@replanning.co.uk)>  
**Cc:** Joe Selby <[joe@selby.capital](mailto:joe@selby.capital)>; Alan Selby <[alanmichaelselby@gmail.com](mailto:alanmichaelselby@gmail.com)>  
**Subject:** RE: Home Farm 22/03243/FULL1

Dear John,

Thank you for your email and the attached excel file. Please can your consultant unlock the marco in the excel file. A number of tab can not be open, such as detail results and trading summary

Thank you

Regards,  
Jessica

AutoSave Off

Home Farm BNG Metric 3.1 (002) - Read-Only No Label

File Home Insert Draw Page Layout Formulas Data Review View Automate Help BLUEBEAM

Paste

Clipboard

Rockwell Light 11

B I U A^ A~

Font

Alignment

Number

Conditional Formatting

Format as Table

Cell Styles

Cells

Editing

Styles

The Biodiversity Metric 3.1 - Calculation Tool Results

Return to start page

Headline results

Detailed results

Habitat tra summar

Microsoft Excel

Cannot run the macro "Home Farm BNG Metric 3.1 (002).xism!ActivateDetailedResults". The macro may not be available in this be disabled.

OK

Thank you.

Regards,  
Jessica Lai  
Housing, Planning and Regeneration  
London Borough of Bromley  
Stockwell Close, Bromley BR1 3UH  
Telephone: 0208 313 4348  
[jessica.lai@bromley.gov.uk](mailto:jessica.lai@bromley.gov.uk)  
[www.bromley.gov.uk](http://www.bromley.gov.uk)

---

**From:** John Escott <[John@replanning.co.uk](mailto:John@replanning.co.uk)>  
**Sent:** 16 August 2023 10:56  
**To:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>  
**Cc:** Joe Selby <[joe@selby.capital](mailto:joe@selby.capital)>; Alan Selby <[alanmichaelselby@gmail.com](mailto:alanmichaelselby@gmail.com)>  
**Subject:** RE: Home Farm 22/03243/FULL1

Jessica

Please find attached the Excel spreadsheet calculator for the BNG. This is actually reproduced at paragraph 4.10 of the PEA.

Kind Regards



**Robinson Escott Planning LLP**  
**Tel: 01689 836 334**  
**Email: [john@replanning.co.uk](mailto:john@replanning.co.uk)**

---

**From:** Lai, Jessica <[Jessica.Lai@bromley.gov.uk](mailto:Jessica.Lai@bromley.gov.uk)>  
**Sent:** Monday, August 14, 2023 9:23 AM  
**To:** John Escott <[John@replanning.co.uk](mailto:John@replanning.co.uk)>; Rachel Escott <[rachel@replanning.co.uk](mailto:rachel@replanning.co.uk)>  
**Subject:** Home Farm 22/03243/FULL1

Dear John and Rachel,

A Preliminary Ecological Appraisal, Further Species Surveys and Biodiversity Net Gain Assessment is submitted which indicates the development would achieve the policy requirement. Please can you/your ecologist/consultant provide me the attached excel file (metric excel file) associated to this report?

Thank you.

Regards,  
Jessica Lai  
**Housing, Planning and Regeneration**  
**London Borough of Bromley**  
**Stockwell Close, Bromley BR1 3UH**  
**Telephone: 0208 313 4348**  
[jessica.lai@bromley.gov.uk](mailto:jessica.lai@bromley.gov.uk)  
[www.bromley.gov.uk](http://www.bromley.gov.uk)

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## Notes on Iceni Projects self-build note re: Home Farm – June 2023

### Local connection test

Iceni argue that the Bromley local connection test is not justified and as a result they consider that all individuals entered should continue to be used in assessing demand (i.e. all entered as Part 1 on the Council's register). The justification for this is set out in the table below, along with my comments on the justification:

Iceni comments	LBB policy comments
<p>The PPG is clear that the introduction of a local connection test is expected to be introduced only where there is a strong justification for doing so and in response to a local recognised issue. However, Iceni does not consider that strong justification has been provided in this instance. In the paper submitted to the Development Control Committee (paragraph 3.11), the Council stated that:</p> <p><i>“Officers consider that a local connection test should be introduced. This will ensure that entrants on the Register have a genuine connection with the area and means that demand evidenced by the Register will be much more likely to be genuine rather than potentially one of many similar requests for entry onto registers in other areas.”</i></p> <p>First, Iceni does not regard this as strong justification and it is clearly not a localised issue. If the Government had written the PPG with the expectation that strong justification could mean ensuring “entrants on the Register [having] a genuine connection with the area” then a local connection test would have been incorporated to the Act as standard given this could apply to all authorities in the Country – it is not a local issue.</p>	<p>I note that the requirements for the local connection test are ultimately governed by regulations, which clearly defer to the relevant authority in terms of setting a local connection test. PPG provides guidance on the expectations for local authorities in introducing a local connection test:</p> <p><i>We expect that relevant authorities will apply one or both of these tests only where they have a strong justification for doing so.</i></p> <p><i>Authorities are advised to ensure that they provide clear information to individuals and groups on the rationale underpinning local eligibility tests.</i></p> <p>PPG does not trump the requirements of regulations, which does not refer to strong justification nor clear information. It is noted that PPG does not set out what is meant by strong justification or clear information. Notwithstanding this, the Development Control Committee paper is considered to set out strong justification as sought by PPG and provides clear information on the rationale for introducing the local connection test.</p> <p>PPG goes on to state:</p> <p><i>In designing a local connection test, relevant authorities may wish to</i></p>

	<p><i>consider criteria based on residency, having a family member residing in the local area and/or having an employment connection to the local area.</i></p> <p>Iceni seem to consider that it is not justified to set a local connection test based on residency, but clearly the PPG suggests otherwise. Ultimately the Government has given local authorities the ability to introduce a local connection test effectively based on the authorities discretion (as per the regs). If the Government considered that residency restrictions were unsuitable, this would have been clear in the regulations and PPG, and local authorities would not have been given broad discretion to introduce such requirements.</p> <p>The decision to introduce a local connection test could have been challenged through the courts, but no challenge was made.</p>
<p>Second, Iceni would highlight that the Borough effectively forms part of a wider London Housing Market Area ("HMA") and therefore it would be expected that individuals would apply to more than one register. It is important that Council recognises that HMAs do not always respect local authority boundaries and that people may have connections with more than one Borough or indeed with one of the surrounding Districts.</p>	<p>Notwithstanding the broad discretion relating to introducing a local connection test discussed above, the PPG clearly envisages restrictions based on residency or employment within an area. The test itself is called a <u>local</u> connection test, which in itself suggests restrictions to a local area.</p>
<p>There is also an expectation in the PPG that the introduction of eligibility tests are consulted on; however, this has not happened in the Borough which is a significant shortcoming in the process. The paper submitted to the Development Control Committee (paragraph 4.3) was clear that:</p> <p><i>"No consultation is proposed on the proposed local connection test which this report recommends is introduced"</i></p>	<p>There is no requirement in regulations to consult on local eligibility conditions. Regulation 5(5) states that the local authority must publicise and local eligibility criteria (such as a local connection test) in the same manner as it publicises the register, which in Bromley's case is on the Council's website.</p> <p>I note that other local authorities who have introduced a local connection test</p>

<p>This lack of consultation has been scrutinised in other local authority areas by Planning Inspectors including in an appeal decision in Canterbury District which Iceni were directly involved in. In the case of that appeal decision, the Inspector (paragraph 41) concluded that:</p> <p><i>“I consider the Council’s approach to be only partially compliant with the advice in the National Planning Practice Guidance (NPPG). This is because the lack of consultation on imposing the local connections test undermines any rationale for its imposition”.</i></p>	<p>have not consulted on this, for example Havering and Islington.</p> <p>The planning appeal decision cited by Iceni is clearly erroneous. It is not appropriate for a planning inspector to assess the suitability of a local connection test; there is no provision for this in PPG or regulations. It is akin to a planning inspector reconsidering the soundness of a planning policy as part of an appeal, as the local connection test has been introduced via a formal decision in line with regulations.</p> <p>The inspector in the Canterbury case has clearly over-reached; had the appeal been allowed, I believe that this would have been a strong ground for legal challenge.</p> <p>A planning appeal decision is not binding as there are specific details and circumstances to be considered in each case.</p>
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To conclude on the local connection test, the points raised by Iceni have no merit whatsoever. The local connection test has been published in line with statutory requirements and will apply from Base Period 6 onwards.

#### Relevance of NPPF paragraph 11

Iceni consider that, by virtue of a development plan which contains no specific policy that considers self and custom build housing, paragraph 11(d) of the Framework (“the titled balance”) is engaged and policies which are most important for determining the application should be viewed as out of date.

Iceni consider that there is an established precedent through a number of planning appeal decisions that the absence of a specific self and custom housebuilding policy is reason to trigger paragraph 11(d) of the Framework so that the “titled balance is engaged”.

The appeal decisions cited are as follows:

Appeal	LBB policy comments
Wychavon, July 2020, APP/H1840/W/19/3241879	Appeal decision notes that there is no reference to self-build in relevant policy. This is an entirely different circumstance given that policy H2 does explicitly acknowledge and support self-build



Canterbury, date unknown, APP/J2210/W/18/3204617	Iceni have referenced this appeal at footnote 12, but I cannot find any record of an appeal with this reference number or at this address (40 Dargate Road); there are two appeals at 64 Dargate Road but neither seems to relate to self-build.
Canterbury, July 2021, APP/J2210/W/20/3259181	Relates to a policy where self-build is mentioned in supporting text and not in a policy. The policy is also an affordable housing policy rather than a policy concerning general or specialist housing supply.

With regard to relevant policy, Iceni note the following:

*"In reviewing the latest London Plan - adopted in 2021 - we note that there is no specific policy on self and custom housebuilding but the Plan does express support for "those wishing to bring forward custom, self-build and community-led housing" within Policy H2. This general support is positive; however, it is a pan-London policy in support of development on small sites and is not a specific policy covering self and custom build homes. In the Borough of Bromley, the 2019 Bromley Local Plan does not mention self or custom housebuilding and therefore clearly also does not have a specific policy covering the sector."*

This is explicit acknowledgement that a policy exists, and therefore the Development Plan is not silent on the issue of self-build and custom housebuilding. While policy H2 might be broad support, it is an explicit reference to this type of housing in a policy and weight could be afforded to this were self-build schemes come forward. Nothing in paragraph 11 of the NPPF prescribes a minimum level of detail that a policy must include; a policy could be a broad strategic policy or a more detailed development management policy.

Policy H2 applies to small sites of 0.25ha. While the Home Farm application covers a much greater area, the vast majority of the application site concerns the proposed vineyard. The residential element is a very small proportion of the overall site area and therefore it is considered that policy H2 would be applicable.

I also note that good growth objective GG4 supporting text states:

*1.4.6 The homebuilding industry itself also needs greater diversity to reduce our reliance on a small number of large private developers. New and innovative approaches to development, including Build to Rent, community-led housing, and self- and custom-build, will all need to play a role, and more of our new homes will need to be built using precision-manufacturing.*

To conclude on paragraph 11, the "tilted balance" would not apply by virtue of a lack of relevant Development Plan policies, as there is a relevant Development Plan policy relating to self-build and custom housebuilding.

## Self-build demand and number of serviced plots provided, and weight to be given to self-build

This section sets out the self-build demand from the Bromley register since its inception in April 2016.

The Council notes that the register split into Part 1 and Part 2 is only effective from the base period in which the local connection test took place (i.e. base period 6). From this base period, only Part 1 demand will count towards the number of serviced plots that need to be provided. Notwithstanding this, the split between Part 1 and Part 2 has been provided in earlier base periods (periods 1 to 5) for information.

At the time of writing, only base periods 1 to 4 are relevant in terms of meeting demand, as these are the only base periods where the full three year period to meet demand has elapsed. The three year period for base period 5 will elapse on 30 October 2023, at which point the table can be updated with further details.

The Council considers that any planning permission for a new or replacement dwelling that has commenced and has a CIL Form 7 Part 1 exemption form should be counted as a relevant permission for the purpose of meeting self-build demand. This gives a strong indication that the development will come forward as self-build. The legislative requirement is for sufficient permissions (not completions) to be provided. A Part 2 CIL form is submitted within 6 months of completion of a self-build dwelling; if we were to only count permissions that had a Part 2 form, this would be a de facto requirement that only self-build completions could be counted, which goes beyond the regulatory requirements.

The Council has used the planning permission date as the relevant date to determine which base period the permission falls within.

Iceni reference informal guidance from the Right to Build taskforce which suggests that a permission can only be regarded as “definitely” self and custom build supply when there is evidence of:

- A permission with a signed Unilateral Undertaking committing to self-build;
- A permission with condition or agreement for marketing the plot(s) as a self and custom build opportunity; or
- A permission that creates a new dwelling and has a submitted Form 7: Self Build Exemption Claim Form – Part 1 and Part 2.

The taskforce guidance is not official guidance; the PPG<sup>1</sup> is the relevant guidance which should inform this exercise. PPG has no reference to the taskforce guidance. PPG<sup>2</sup> sets out the following guidance on how authorities can record suitable permissions:

*“The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to*

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<sup>1</sup> <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

<sup>2</sup> Ibid, Paragraph: 038 Reference ID: 57-038-20210508, Revision date: 08 02 2021

*consider to determine if an application, permission or development is for self-build or custom housebuilding:*

- Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;*
- Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and*
- Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.*

*A relevant authority must be satisfied that development permissions being counted meet the legislative requirements.”*

The PPG guidance gives discretion to the relevant authority (in this case the LPA) about what development permissions count toward the demand from the register. PPG also confirms that the granting of a CIL exemption can be a determinant of whether an application is self-build; PPG does not specify that this require both parts of the CIL form to be provided.

Iceni also note that it is not clear how all self-build CIL exemptions can be valid given that CIL exemptions for self-build can include rear and side extensions, replacement dwellings and barn conversions. The Council has not included any CIL exemptions for extensions; only new build and replacement dwellings have been counted.

With regard to barn conversions (or indeed any existing building converted to residential use), PPG<sup>3</sup> states that *“a serviced plot of land could be an opportunity for converting an existing building to residential use (rather than a new build) provided the plot otherwise meets the statutory definition.”* The Council therefore considers Iceni are incorrect in their assertion.

With regard to replacement dwellings, Iceni do not elaborate on why it is not appropriate to include these as a relevant permission, they merely state that replacement dwellings are not appropriate in the context of the Act. The Council strongly disagrees and considers that it is perfectly legitimate to include replacement dwellings as a suitable permission for the purposes of addressing self-build demand (where the Part 1 CIL form has been provided and the development has commenced). The core purpose of the Act is to increase the delivery of self-build. Demolishing an existing dwelling and replacing it with a self-build home would clearly fulfil the purpose of the Act, as it has facilitated the delivery of a self-build home. The Council acknowledges that in housing supply terms, the result would be neutral, but increasing housing supply is not the overarching aim of the Act.

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<sup>3</sup> Ibid, Paragraph: 026 Reference ID: 57-026-20210508, Revision date: 08 02 2021

Base period	Part 1 demand	Part 2 demand	Total demand (Part 1 and Part 2)	Number of self-build permissions
1 (1 April 2016 to 30 October 2016)	0	0	0	10
2 (31 October 2016 to 30 October 2017)	4	32	36	14
3 (31 October 2017 to 30 October 2018)	2	20	22	17
4 (31 October 2018 to 30 October 2019)	4	25	29	16
5 (31 October 2019 to 30 October 2020)	1	18	19	13
6 (31 October 2020 to 30 October 2021)	9	56	65	13
7 (31 October 2021 to 30 October 2022)	22	16	38	14
<b>Total</b>	<b>42</b>	<b>167</b>	<b>209</b>	<b>97</b>
<b>Note</b> numbers in red denote the relevant demand figure for each year, which informs the number of permissions that need to be provided. For base periods 1-5, this is the total figure (Part 1 and Part 2). For base period 6 onwards, this is the Part 1 figure. The total demand across base periods 1-7 is 137.				

From this table, the Council notes that there is a total demand for 87 self-build permissions across base periods 1-4. A self-build permission can only go toward meeting the demand for one plot; the Council have accounted for double counting in the calculation of the total figures.

The total number of permissions provided across the four base periods is 87, broken down as follows:

Base period	Total demand to be met	Number of self-build permissions from following 3 years (excluding permissions already counted toward meeting demand)
1 (1 April 2016 to 30 October 2016)	0	47 permissions from BP2, BP3 and BP4, but as there is no demand from the register, none of these permissions are counted towards meeting demand from BP1. 33 of these permissions are counted toward meeting demand from BP3 and BP4 (see below), which means that there is an excess of <b>14 permissions</b> .

Base period	Total demand to be met	Number of self-build permissions from following 3 years (excluding permissions already counted toward meeting demand)
2 (31 October 2016 to 30 October 2017)	36	Demand met from 17 permissions in BP3, 16 in BP4 and 3 in BP5 (totalling <b>36 permissions</b> ). This leaves an excess of 10 permissions from BP5 which can be relied on to meet demand from BP3 (see below).
3 (31 October 2017 to 30 October 2018)	22	Demand met from 10 permissions in BP5 and 12 permissions in BP6 (totalling <b>22 permissions</b> ). This leaves an excess of 1 permission from BP6 which can be relied on to meet demand from BP4 (see below).
4 (31 October 2018 to 30 October 2019)	29	1 permission from BP6 and 14 permissions in BP7 (totalling <b>15 permissions</b> ) leaving an under-provision of 14 permissions
<b>Total</b>	<b>87</b>	<b>87 (made up from 14 permissions in BP1, 36 in BP2, 22 in BP3 and 15 in BP4)</b>

As the table demonstrates, the Council have met the self-build demand in full since the end of base period 1. In terms of individual base periods the Council has fully met demand from three of the four base periods. In addition, 7 self-build permissions were provided within base period 1 following the creation of the register; these permissions have not been counted towards the total figures but they provide further evidence of the Council's consistency in terms of permitting self-build units.

As noted above, the Council's figures include permissions that have submitted a Part 1 CIL form where the development has commenced.

To conclude, if an application is proposing a self-build dwelling and this can be secured as part of the application process, then weight could be given to self-build. A self-build dwelling would be consistent with national policy and guidance, and Policy H2 of the London Plan, and moderate weight could be appropriate in such circumstances. Greater weight would only be justified where demand was not being met and/or where a significant amount of self-build units were proposed. Where demand is not being met, the weight to be given would depend on the level of shortfall and should also take into account the Council's track record of meeting self-build demand over past base periods.