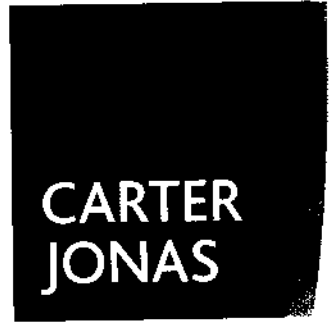
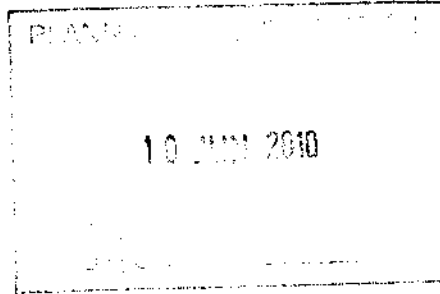


Our Ref: ALH/OX64736

Your Ref:



Mrs Lynn Freeland
Tenterden and Rural Sites DPD Programme Officer
c/o ASHFORD BOROUGH COUNCIL
Civic Centre
Tannery Lane
Ashford, KENT
TN23 1PL



Anchor House
269 Banbury Road, Summertown
Oxford OX2 7LL
T: 01865 511444
F: 01865 310653

9th June 2010

Dear Mrs Freeland

**TENTERDEN AND RURAL SITES DEVELOPMENT PLAN DOCUMENT
EXAMINATION IN PUBLIC – WRITTEN STATEMENT**

Please find enclosed four copies of a Written Statement submitted by Carter Jonas LLP on behalf of the Wheler Foundation. The Statement relates to Matter 6. The Wheler Foundation will not be participating in the hearing session relating to Matter 6. Therefore, this Statement adds to evidence submitted in previous representations.

Please do not hesitate to contact me if you require any further copies.

Yours sincerely

A handwritten signature in black ink, appearing to read "Amy Hallam".

Amy Hallam MRTPI
Senior Planner
For and on behalf of Carter Jonas LLP

E: amy.hallam@carterjonas.co.uk
DD: 01865 404442

Encs

Offices throughout the UK

Residential Rural Commercial Planning
Minerals & Waste Management Architecture & Building Consultancy

Carter Jonas LLP is a limited liability partnership
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**CARTER
JONAS**

The Property People

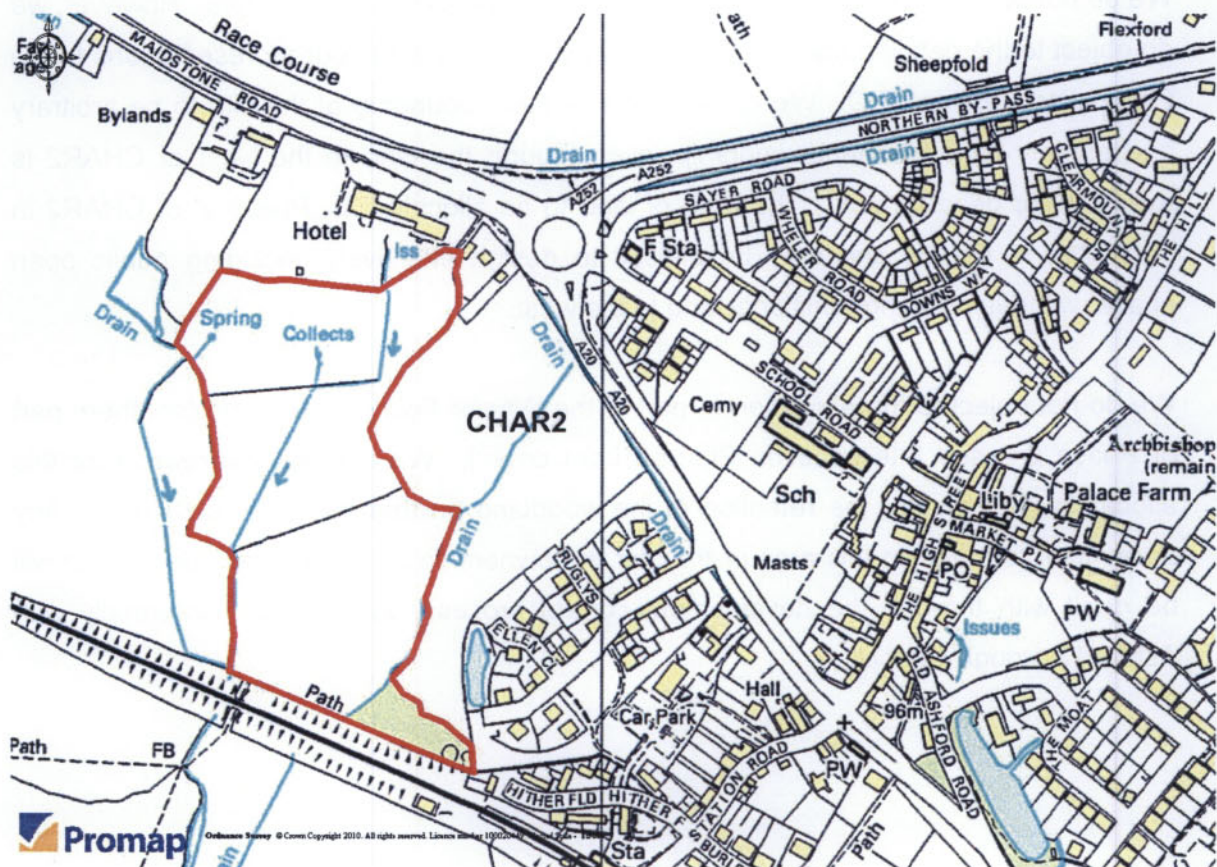
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Tenterden and Rural Sites Development Plan Document Examination in Public – Written Statement

On behalf of:

The Wheler Foundation

June 2010



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1 Introduction

- 1.1 Carter Jonas LLP has submitted representations to the various stages of the Tenterden and Rural Sites Development Plan Document (DPD) on behalf of the Wheler Foundation, owners of the Otterden Estate, including land to the west of Charing. In particular, we commented on Policy CHAR2.
- 1.2 This written statement provides additional background evidence in support of our original representations, in particular those submitted in August 2009 with regard to the Publication Version of the DPD. We refer in particular to the issues raised by the Inspector in relation to Charing.

2 Case

6.1) Are the housing sites CHAR1 and CHAR2 the most sustainable locations for development in Charing, including consideration of village form and wildlife?

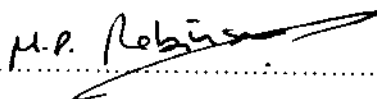
- 2.1 We do not object to the allocation of Sites CHAR1 and CHAR2 in principle. However, we do object to the detailed boundary of Site CHAR2 as set out in our representations to the Publication Version DPD. We consider the western boundary of the site to be arbitrary and entirely based on landownership, even though the land to the west of CHAR2 is available for development. The area of land to be allocated as 'Phase 2' of CHAR2 in particular, is narrow and may be difficult to design effectively, including public open space, without including additional land to the west.
- 2.2 We do not object to the allocation of part of the Wheler Foundation's land (southern part of Phase 2 – see Site Location Plan on front cover). We assume the reason for this allocation is to ensure the retention of the woodland on that part of Site CHAR2. Any agreement to maintain this area or transfer the ownership once the site is developed will be dealt with through the development control process, as discussed informally with Ashford Borough Council.

6.2) Do they represent the best strategy when considered against reasonable alternatives?

- 2.3 One of the tests of soundness set out in Planning Policy Statement (PPS) 12: Local Spatial Planning (June 2008) requires that DPDs should be 'effective' (Para.4.52). To be effective a DPD must be flexible so that any strategy within the DPD can be adapted to suit changing circumstances. Such changes in circumstances include fluctuations in the housing market e.g. a reduction in demand, which leads to a site not being developed, or a reduction in housing delivery which means a Council is not able to meet its five-year housing supply in accordance with PPS3: Housing (November 2006).
- 2.4 Carter Jonas has encountered both such circumstances in the last twelve months, where Councils have been forced to take a more proactive approach than the adopted Local Plan allowed for. For example, in 2009 Cherwell District Council and South Northamptonshire District Council were unable to demonstrate a five-year housing supply in accordance with PPS3. Both Councils had no choice but to consider planning applications for development outside of settlement confines, which would not normally have been permitted by adopted Local Plan policies. Although such sites had not been subject to the allocation process through the Local Plan, a number of applications have been permitted to meet the housing shortfall (for example South Northants DC Ref: S/2010/0383/MAO and S/2009/1049/MAO or Cherwell DC Ref: 09/01811/F).
- 2.5 Carter Jonas has also submitted a number of planning applications for the renewal of planning permissions under the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009. The main reason for this Amendment Order was a lack of planning permissions being implemented due to a reduction in developer interest in purchasing sites during the recession. Such applications included a site allocated in the Isle of Wight Unitary Development Plan (2001) for 230 dwellings, which the Council was relying on to meet its five-year housing supply. The owner of the site was not able to reach an agreement with a developer within the life of the original permission and it had to be renewed for another three years (Isle of Wight Council Ref: P/01934/09 - TCP/05746/T).
- 2.6 Both the situations outlined above are not unusual, particularly due to the recent problems in the housing market. Such circumstances are unpredictable. Therefore, we consider that the Council should include one or more contingency sites in the Tenterden

and Rural Sites DPD to ensure that the five-year housing supply is not at risk in the future. The abolition of regional housing targets does not alter this necessity, indeed it makes it more important to allow flexibility to ensure the work put into the Tenterden and Rural Sites DPD is not abortive.

- 2.7 If contingency sites were to be allocated in a DPD they would be subject to the same rigorous examination that all allocated sites are subject to. This would ensure that future planning applications to address a housing shortfall are not so dependent on a landowner's awareness of the situation, their willingness to submit a planning application and then implement the development swiftly.
- 2.8 We propose that the site south of Maidstone Road, Charing (CHAR2) be extended to the west to provide an area of contingency land, should Site CHAR1 or the second phase of CHAR2 not be delivered for any reason. This site is well-related to the site proposed for allocation and would therefore benefit from the proposed access, as well as the links to be created to the village centre and the public open space. We consider that this would be the most sustainable option for Charing, as a contingency site in another location in the village would not incur such benefits.

Signed 

Mike Robinson MRTPI, Associate

Dated this 9th day of June 2010