

The Openness of Local Government Bodies Regulations 2014

Land at the 'Balmcrest' Housing Estate, Lords Walk, Eriswell

This note constitutes the statement of reasons required to be prepared by the Council by the 2014 Regulations.

The Forest Heath District Council has resolved to formally withdraw permitted development rights for the erection of enclosures and means of enclosure on a number of parcels of land at the 'Balmcrest' housing estate at Lords Walk, Eriswell for the following reasons:

- i) All of the land parcels currently or previously functioned as public open space to serve the needs of the residents of the housing estate. The open spaces contribute to the 'open' character of the estate and the fluidity of movement for pedestrians.
- ii) The housing estate is currently being developed by the current landowners and the Council has received a number of planning applications proposing small and large scale housing within the areas of public open space.
- iii) Furthermore, the applicants via their agents, have confirmed that some of the spaces (particularly the smaller individual spaces) "could be sold off as garden land" if those planning applications are not favourably considered.
- iv) The retention of the availability of the public open spaces is important to the health and wellbeing of the residents of the housing estate and there is evidence that the spaces are used and valued by them. The spaces also contribute significantly to the layout qualities and visual character of the housing estate and, whilst continuing to function as open space for residents of the estate, they also serve to reduce recreational pressure on sensitive ecological sites located away from the site but in its vicinity (including the Breckland Special Protection, Special Area of Conservation, the Breckland Farmland Site of Special Scientific Interest, the Maidscross Hill Site of Special Scientific Interest, and the Eriswell Low Warren Site of Special Scientific Interest).
- v) The District Council considers the short and medium term use of the public open space land is at risk from current and/or future landowners.
- vi) The Council considers the withdrawal of permitted development rights for enclosures and means of enclosure around and within the open spaces of the housing estate would enable it to control the potential loss of these spaces to public use.

The reasons for the decision accords with various policies set out in the Development Plan for the area, as follows:

- i) Forest Heath Core Strategy (2009) – Policies CS2, CS5 and CS13(g)
- ii) Joint Development Management Policies Document (2015) – Policies DM2, DM10, DM11, DM12, DM22, DM41 and DM42

Alternative options were considered including the potential for compulsory purchase of the land parcels, but the option to withdraw permitted development rights was favoured as a more convenient and less draconian means of achieving the aim of retaining the land for public use. The 'do nothing' option was also considered but the risk of losing the public open spaces and the consequential harm that would arise to the public interest was considered too great for no actions to be taken.

The decision to proceed was taken on Wednesday 11th July 2018.