

Section 2 – Executive Summary

(2.1). The principal insights gained from this representation are that Ealing Council’s draft Local Plan (2024 to 2039) **is erroneous in the following:** -

(2.1.1). **fails to embrace the needs of significant demographic groups**, whereby local supplementary policies are needed in e.g.: -

(2.1.1.1). “*Specialist Accommodation*” for the elderly as in e.g. ‘*Specialist Older Persons Housing*’

(2.1.1.2). “*Specialist Accommodation*” for wheelchair users as in e.g. ‘*Specialist Wheelchair Accessible Housing*’

(2.1.1.3). “*Specialist Accommodation*” for people (young or aged) with other disabilities (mental and physical)

(2.1.1.4). “*Specialist Accommodation*” such as ‘*Purpose Built Shared Housing*’ e.g. facilitating ‘*Supported Living*’

(2.1.1.5). adequate covered living space for multi-generational households, noting that different spatial standards are needed for different age groups, genders etc., such that meet the occupiers needs

(2.1.1.6). for “*Granny / Live-in Care-giver Annexes*”

(2.1.1.7). for “*Lifetime Homes*”

(2.1.1.8). for safe living accommodation incorporating infection control / self-isolation accommodation

(2.1.1.9). on religious grounds for worship facilities at home, given the significant level of ‘*faith following*’ which is particularly high within the local ethnic minority demographic

(2.1.1.10). for ‘*Custom and Self-Build Housing*’

(2.1.1.11). for businesses providing healthcare services such as Opticians, Audiologists, Medical Practitioners etc.

(2.1.1.12). a ‘*Local Enforcement Plan*’ (LEP)

(2.1.2). **critically, fails to implement the protections and safeguards provided by the *Statutory Defence* (through s. 179(3) of the TCPA 1990 (WL¹)) which Parliament has provided, protecting against e.g. corporate abuse of power to e.g. ordinary homeowners / householders (but not limited to) who have need for additional covered living space due to their ‘*special needs*’, whereby the planning enforcement process **unlawfully fails to comply with the rules and principles governing “*Disclosure*” and “*Fair Trials*” as required by the *Criminal Procedure and Investigations Act 1996* (CPS Guidance contained in its “*Disclosure Manual*” - WL²) causing institutionalised miscarriages of justice (including as a consequence of wrongful professional conduct) as recipients of planning enforcement notices and the earlier statutory documents are not made aware of the existence of the ‘*Statutory Defence*’; such being a critical ‘*Disclosure*’ issue, a matter that was instrumental in the death of the ‘*vulnerable*’ late Mr. Dhanoa (see App.³).****

(2.1.3). **fails to synchronise with central Government’s key aim of “*Economic Growth*” as the LPA seemingly intends on continuing the previous restrictive policy of ‘*development control*’ against the existing local housing stock, **some of which dates back 160 years (WL⁴), limiting extensions and annexes thereto, through the stated aspiration of ““4.7.33 Extensions and annexes to existing homes will also be supported where this does not affect the character of the area.” (WL⁵) i.e. the LPA’s draft Local Plan intends to ‘not****

WL¹ - s. 179(3) of the Town & Country Planning Act 1990 (TCPA 1990) (otherwise known as the “*Statutory Defence*”.
<https://www.legislation.gov.uk/ukpga/1990/8/section/179>

WL² - Crown Prosecution Service Legal Guidance entitled “*Disclosure Manual: Chapter 12 - Applying the Disclosure Test*” (Refreshed: 21 Oct. 2021).
<https://www.cps.gov.uk/legal-guidance/disclosure-manual-chapter-12-applying-disclosure-test>

App.³ - Case Study of the Lt. Mr. Dhanoa March 2022 (1 Page - Appended).

WL⁴ - “*Southall: A Brief History*”.
<https://www.southall-history.co.uk/southall-a-brief-history/50/>

WL⁵ - Para. 4.7.33 of Policy S5: “*East Southall*”, LBE’s LP 2024 to 2039.
https://www.ealing.gov.uk/download/downloads/id/19564/2h_chapter_4_southall_town_plan_and_development_sites_high_res.pdf

affect the character of the area, which in terms of any building and development work is an oxymoron as by its very nature building additional covered space **will affect the “character of the area”**.

(2.2). For the *Local Plan* to accord with the tests of being: -

- (2.2.1) positively prepared,
- (2.2.2) justified,
- (2.2.3) consistent with national policy
- and
- (2.2.4) legally sound,

the LPA should be compliant with requisite laws and form local supplementary policies that will direct local application (of the laws) which exist to serve the best public safety and justice interests.

(2.3). Please note that in relation to pertinent sections of the “*Equality Act 2010*” (EA 2010) including the *Public Sector Equality Duty* (PSED), central Government “**Guidance**” requires decision-makers to “**recommend new or revised policy to a minister**” (as stated): -

“The general duty requires decision-makers to have due regard to the need to eliminate conduct prohibited by the act, advance equality of opportunity, and foster good relations in relation to activities such as:

- **recommending new or revised public policy to a minister**
- **publishing a consultation document**
- **designing and providing a public service ...”**

(“PSED: Guidance for Local Authorities” (WL⁶)).

<https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities>

WL⁶ - PSED : Guidance for Local Authorities

<https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities>

(2.4). It is therefore respectfully requested that particularly in relation to the failure to implement the *Statutory Defence* (SD) (**WL1**), the Planning Inspectors (Independent Examiners) who are reviewing Ealing Council's draft Local Plan, refer this matter to the concerned Minister of State please. (The matter of the LPA's failure to implement the SD is fully explained further in this representation).