

Stebbing Neighbourhood Plan: Regulation 16 Consultation Representations

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STATUTORY REPRESENTATIONS

REPRESENTATION 1: Network Rail

OFFICIAL
(Thu 22/07/2021 15:39)

Dear Sir/Madam,

Thank you for consulting Network Rail regarding the above application.

After reviewing the associated information, I would like to inform you that Network Rail have no objections to the proposals.

Kind regards,



[Redacted]

Town Planning Technician

Network Rail Property (Eastern Region - Anglia)

A: 1 Stratford Place | London | E15 1AZ

[Redacted]

[Redacted]

W: www.networkrail.co.uk/property

REPRESENTATION 2: Essex Police

Stebbing Parish Council
Uttlesford District Council
Planning Services
Via email to: planningpolicy@uttlesford.gov.uk



Mrs. Heather Gurden
Strategic Designing out Crime Manager
Essex Police HQ
Springfield, Chelmsford
Essex, CM2 6DN

10th September 2021

To Whom it May Concern

Re: Stebbing Neighbourhood Development Plan 2019 -2033

Essex Police welcome the opportunity from a designing out crime and crime suppression perspective to comment on the Stebbing Neighbourhood Development Plan.

Constructing well designed places, buildings and communities that promote both sustainable communities and health and wellbeing is an objective that the Essex Police DOCO widely supports; however, it is imperative that they must also be safe, secure, and accessible. This can similarly be evidenced within the Health Impact Assessment, as mitigating the opportunities for crime is not only about reducing and preventing injury and crime, but it is also about building strong, cohesive, vibrant, and participatory communities.

Adopting the concept that crime is deemed as a "material consideration" throughout designs will ensure the health and wellbeing of residents and increase the overall sustainability of the development. Essex Police recommends consideration of 'designing out crime concepts' throughout all aspects of the design and during the planning process, (a 'Security Needs Assessment' will identify the necessary risks). This will ensure that the building design and specification decisions create both a healthy and safe environment that does not promote crime and vulnerability.

As the preferred enabler to mitigate crime, Secured by Design (SBD) seeks to achieve sustainable reductions in crime through design and other approaches to help communities live in a safer society. SBD is a Police CPI initiative that improves the security of buildings and their immediate surroundings, additionally covering the public realm.

Essex Police DOCO would advocate that all residential units achieve accreditation to SBD Homes as a preferred enabler to mitigate potential crime generators and risk. Achieving SBD Homes Gold Accreditation will satisfy the security needs assessment requirements and address many of the associated security risks.

If there are any further queries around embedding designing out crime, please do not hesitate to contact designingoutcrime@essex.police.uk.

Yours Sincerely

[Redacted Signature]

[Redacted Name]
Strategic Designing Out Crime Officer (SDOCO)
HQ Local Policing Support Unit
Email: designingoutcrime@Essex.police.uk

Essex Police Headquarters, PO Box 2, Headquarters, Springfield, Chelmsford, Essex CM2 6DN
In an emergency always dial **999**. For non emergencies dial **101**.
www.essex.police.uk

REPRESENTATION 3: NHS WEST ESSEX CLINICAL COMMISSIONING GROUP

(Mon 20/09/2021 16:06)



Internal Use Only

Representation Number:

Stebbing Neighbourhood Plan

Publication Consultation Regulation 16

Response Form

Consultation period: 8am Monday 19 July 2021 to 5pm Tuesday 28 September 2021

Uttlesford District Council is inviting representations on the submission version of the Stebbing Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than **5pm on Tuesday 28 September 2021**. Representations after this date will not be considered.

Representations can be submitted by email to: planningpolicy@uttlesford.gov.uk

or by post to

Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email or postal address. You are not obliged to provide your details; however, we will be unable to process any comments you make.

Contact Name	Jolene Truman
Email	[REDACTED]
Or Postal Address	

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

PRIVACY NOTICE

The Council will use the information you submit, or have submitted, in all correspondence to the Council to enable the council's planning policy section to consider any information, representation or evidence submitted to assist with the Stebbing Neighbourhood planning examination.

Further information about Data Protection rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at:

<https://www.uttlesford.gov.uk/privacy-notice> Printed copies of the Council's Privacy Notices can be provided on request.

The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	Jolene Truman
Organisation (if applicable)	West Essex Clinical Commissioning Group
Address	Spencer Close, St Margaret's Hospital, Epping, Essex CM16 6TN
Email	[REDACTED]
Telephone	[REDACTED]

2) Your representations

Please specify which paragraph or policy your representations relate to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
CHAPTER	COMMENTS
CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION	

CHAPTER TWO: CONTEXT – SETTING THE SCENE	
CHAPTER THREE: CONSULTATION	
CHAPTER FOUR: HERITAGE AND CONSERVATION	
Policy STEB1 Respecting Stebbing's Heritage – Design and Character	
CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND NATURAL ENVIRONMENT	
Policy STEB 2 Green Infrastructure and Development	
Policy STEB 3 Identified Woodland Sites and Wildlife Sites	

Policy STEB 4 Local Green Space	
Policy STEB 5 Protection of Green Wedge	
Policy STEB 6 Protected Open Gaps	
Policy STEB 7 Important and Protected Views	
Policy STEB 8 Blackwater Estuary SPA site/Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)	
CHAPTER SIX: HOUSING AND DESIGN	
Policy STEB 9 Design Principles and Location of New Development	
Policy STEB 10 Meeting Local Needs	
Policy STEB 11 Affordable Homes	

Policy STEB 12 Sustainable Design and Construction	
Policy STEB 13 Managing Flood Risk and Drought Mitigation	
Policy STEB 14 Renewable Energy	
CHAPTER SEVEN: THE ECONOMY	
Policy STEB15 Supporting the Local Economy – Small Scale Employment Space	
Policy STEB16 Communications	
Policy STEB17 Farm Diversification/Improvement Communications	
Policy STEB18 Tourism	
CHAPTER EIGHT: COMMUNITY AND WELL-BEING	
Policy STEB 19 Protection of Play, Sports, Recreation, Leisure and Community Facilities	

Policy STEB 20 Protection of Leisure and Community and Facilities	
Policy STEB 21 Health and Medical Care	<p>The 3 existing GP practices in the area do not have capacity to accommodate significant growth. In terms of optimal space requirements to encourage a full range of primary care services to be delivered with the community there is an overall capacity deficit, based on weighted patient list sizes, within the 3 West Essex GP practices providing services to Stebbing: John Tasker House Surgery, Angel Lane Surgery and Thaxted Surgery.</p> <p>Optimal space standards for primary care are set for planning purposes only. This allows us to review the space we have available and identify the impact development growth will have in terms of capacity and service delivery. Space capacity deficit does not prevent a practice from increasing its list size, however it may impact on the level and type of services the practice is able to deliver. West Essex CCG have been developing new ways of working with our primary care facilities, in line with The Long Term Plan, to increase capacity in ways other than increasing physical space. West Essex CCG would be responding to the formal planning applications for the proposed development sites when received and would be requesting s106 monies to mitigate the impacts of the proposed site. The CCG are also looking at the proposal of a new healthcare facility within the Dunmow area.</p>
CHAPTER NINE: TRANSPORT	
Policy STEB 22 Promoting Sustainable Transport	
CHAPTER TEN: HOUSING ALLOCATIONS	
Policy STEB H1: Garden/Paddock adjacent to Watch House	

Policy STEB H2: Land West of Brick Kiln Farm	
Policy STEB H3: Hornsea Lodge, Bran End	
Policy STEB H4: Meadowbrook, Mill Lane	
Policy STEB H5: Land at Elmcroft, The Downs	
Policy STEB H6: Hay Meadow, Stebbing Green	
CHAPTER ELEVEN: THE POLICIES MAP AND SCHEDULE OF NEIGHBOURHOOD PLAN POLICIES	
CHAPTER TWELVE: PROJECTS	
Policy SW30 Arts and Cultural facilities	

CHAPTER THIRTEEN: IMPLEMENTATION, MONITORING AND REVIEW	

Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Stebbing Neighbourhood Plan?

Yes

No

Thank you for completing this response form.

REPRESENTATION 4: Historic England



Demetria Macdonald
Uttlesford District Council

By email to:
planningpolicy@uttlesford.gov.uk

Our ref: PL00720862
Your ref: n/a
Date: 30/07/2021

Direct Dial: [REDACTED]
Mobile: [REDACTED]

Dear Demetria Macdonald,

Ref: Stebbing Neighbourhood Plan Consultation, Regulation 16

Thank you for inviting Historic England to comment on the above consultation.

We welcome the production of this neighbourhood plan, but do not currently have capacity to provide detailed comments. We would refer you to our detailed guidance on successfully incorporating historic environment considerations into your plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>.

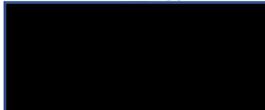
For further advice regarding the historic environment and how to integrate it into your neighbourhood plan, we recommend that you consult your local planning authority conservation officer, and if appropriate [your local Historic Environment Record](#).

There is also helpful guidance on a number of topics related to the production of neighbourhood plans and their evidence base available on Locality's website: <https://neighbourhoodplanning.org/>, which you may find useful.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,



Historic Places Advisor, East of England
Edward.James@HistoricEngland.org.uk



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



REPRESENTATION 5: Natural England

Date: 04 October 2021
Our ref: 360526
Your ref: Stebbing NP Reg 16 consultation

Ms Demetria Macdonald
c/o planningpolicy@uttlesford.gov.uk

BY EMAIL ONLY



Hornbeam House
Crewe Business
Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Macdonald

Stebbing Neighbourhood Plan – Regulation 16 Public Consultation

Thank you for your consultation on the above dated 15 July 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The draft Neighbourhood Plan (NP) relates to an area of Uttlesford District that lies (in part) within the zones of influence for designated habitat sites. Natural England is therefore concerned to ensure that any sites allocated for development within the NP development area will not result in any adverse effects upon the integrity of these sites or damage to the interest features for which they are notified. Accordingly, Natural England has the following observations to make on the NP concerning the potential for recreational disturbance to designated European sites at the Essex Coast and Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR).

At 5.18 – 5.21 the draft NP notes that a very small area of the southernmost part of the Parish lies within the Zone of Influence (ZoI) for the European sites at the Essex Coast. As a consequence, in accordance with the Habitats Regulations, proposals for new residential development within the ZoI will need to demonstrate that any adverse effects on the integrity of the Habitat sites have been avoided or suitably mitigated. The Essex Coast Recreational disturbance, Avoidance and Mitigation Strategy (Essex Coast RAMS) was produced to identify the various avoidance and mitigation measures required to ensure that residential development within the ZoI will have no adverse (in combination) effect on the integrity of the Habitat sites; the Essex Coast RAMS Supplementary Planning Document (SPD) explains how these measures “translate” into a per dwelling tariff and how this financial contribution will be secured through the planning process.

As the Essex Coast RAMS and SPD have demonstrated compliance with the Habitats Regulations and are now adopted by Uttlesford District Council, the proposed policy STEB 8 (Blackwater Estuary SPA and Ramsar site/Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)) could be simplified. The following is a suggested revised wording for the policy:

Proposals for new dwellings within the zone of influence of the Blackwater Estuary SPA/Ramsar will be subject to a financial contribution towards avoidance and mitigation measures as specified in the adopted Essex RAMS Supplementary Planning Document, to ensure the development will have no adverse effect on the integrity of the European site.

In this same context of the threat of recreational disturbance to designated sites it is important to highlight that the draft Stebbing NP development area lies (almost entirely) within the ZoI for Hatfield Forest, a designated SSSI and NNR.

As you will be aware, Hatfield Forest has experienced rapid and unsustainable growth in visitor numbers over the last 10-15 years which is putting it under considerable pressure and there is clear evidence that the SSSI/NNR and other designated/protected features are being damaged. It is currently in 'unfavourable, recovering' condition and was placed under formal threat of declining by Natural England in its 2018 SSSI assessment, entirely due to footfall impacts.

In order to advance understanding of the issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the National Trust (site owners), with support from Natural England, commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. The Footprint Ecology report describes the issues arising from recreational pressure in more detail, identifies a Zone of Influence of 14.6km and recommends the development of a strategy to mitigate these impacts in order that new development can meet planning policy requirements (including NPPF para.170-175). A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has previously been sent to Uttlesford District Council and the other three District Councils which fall within the Hatfield Forest Zol. It is hoped that the report will help to inform the preparation of Local Plans, including Neighbourhood Plans.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', the National Trust has prepared a costed Mitigation Strategy for Hatfield Forest to enable developers to agree packages of funded measures proportionate to the size and location of their projects. This takes the form of a package of on-site (i.e. within the SSSI/NNR) Strategic Access Management Measures (SAMM) to which new housing development projects can contribute. The overall scale of such contributions is based on the proportion of the increased mitigation costs that can be attributed to predicted growth in housing numbers within the Zol through to 2033. The final version of this Mitigation Strategy was forwarded to the 4 Local Authorities within the Zol in June this year (letter dated 28th June 2021).

Clearly new housing development within the Zol will contribute further towards recreational pressure on Hatfield Forest, increasing the likelihood of damage to its interest features. Avoiding and mitigating these adverse impacts will need to be addressed strategically by the Local Planning Authorities which fall within the Zol and Natural England is supporting the endeavours to develop such a strategic solution, collectively, by the 4 Local Authorities.

The Stebbing NP Development area falls (almost entirely) within the Hatfield Forest Zol and the draft Neighbourhood Plan proposes a number of small housing allocation sites within the Zol. Whilst small in scale, they present a cumulative risk of harm to a designated site and this needs to be acknowledged in the Neighbourhood Plan.

As outlined above, a strategic policy approach is required to address the risk of adverse impacts to the interest features of the SSSI. However, it is not entirely clear from the Planning Practice Guidance (ref Paragraph: 009 Reference ID: 41-009-20190509) whether a Neighbourhood Plan policy can be developed/adopted (and be in general conformity with an emerging Local Plan) if the relevant strategic policy has not yet been developed. This is a matter that will need to be pursued with the Stebbing Neighbourhood Plan Steering Group as both the Local Plan and NP progress.

I trust that the above comments are helpful. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely



Lead Adviser – Land Use Planning
West Anglia Area Team

REPRESENTATION 6: Uttlesford District Council



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Stebbing NP Steering Group
Clerk to Stebbing Parish Council
The Old Stables
High Street
Stebbing
CM6 3SG

25 September 2021

Your ref:

Our ref:

Please ask for Demetria Macdonald on 01799 510518
email: dmacdonald@uttlesford.gov.uk

Dear Sir,

Stebbing Neighbourhood Development Plan Regulation 16 Consultation

We welcome the opportunity to comment on the Submission Stebbing Neighbourhood Plan. We have reviewed the Submission Draft Plan and can now provide the following officer response.

We note that the draft Neighbourhood Plan has been amended to reflect some of the comments previously provided by the District Council. However, some of the points made in relation to previous drafts still stand.

The plan is considered comprehensive, and it has recognised the need for housing development which meets the identified local housing need whilst being sympathetic to the existing landscape and heritage of the village and the surrounding area.

We support the draft Stebbing Neighbourhood Plan and commend your incorporation of amendments to reflect our comments provided during plan preparation and prior to and post Regulation 14 Consultation.

Uttlesford District Council Comments

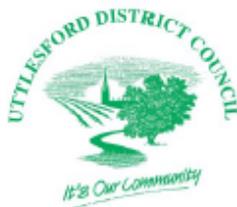
Page 4 – Para 1.5:

“As there is no requirement for a Neighbourhood Plan to be prepared or examined against emerging policy, this Neighbourhood Plan was drafted to be at variance with the then emerging UDC Local Plan with regard to the proposed extension of the WoBGC into Stebbing Parish. This was considered to be fully justified for two reasons:

1) until the respective North Essex draft Plan and the UDC draft Plan were found to be sound by the Inspectors there was uncertainty over the future of the proposed WoBGC;”

UDC Response: The Uttlesford Local Plan 2019 was withdrawn on 30 April 2020. The West of Braintree Garden Community was deleted from the Braintree District Local Plan 2013 – 2033 (North Essex Authorities' Shared Strategic Section 1 Plan) that was adopted February 2021.

ACHIEVEMENT
AWARDS 2019
FINALISTS **IMJ**



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Since the WoBGC has been withdrawn by UDC and the adopted Braintree District Local Plan 2013 -2033 Section 1 does not include the West of Braintree Garden Community (WoBGC), there is no need to justify variance with any emerging Local Plan.

The newly emerging Local Plan is not currently at a stage where it includes specific proposals, and there is therefore nothing to be at variance with at the moment. It is worth noting the guidance in paragraph 41-009-20190509 of the relevant PPG which states "It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."

Page 7 – Para 1.9: "With regard to national policies and advice, the Government establishes planning policies for England through the NPPF, which was last updated on 19th February 2019, and sets out how the policies are expected to be applied."
The NPPF was last updated on 20 July 2021.

Pages 7 – 8 Paras 1.15: "The WoBGC was a matter of nearly universal objection by the Residents of Stebbing, and the proposed threat of this proposal, or any subsequent variation that may emerge, is the reason that specific landscape policies are being included in this Plan that seek to protect the setting of the main village itself and the hamlet of Stebbing Green, which lies immediately adjacent to the formerly proposed WoBGC development."
UDC Comment: The above paragraph and subsequent landscape policies appear to be a justification for frustrating and future strategic development in this part of the Neighbourhood Plan Area.

NPPF Para 12 states that, "Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."

The Council is currently working on a Local Plan and while no decisions on proposed allocations have been made, the NP's proposed landscape policies should not seek to frustrate potential development.

Chapter Five: Landscape, The Countryside and the Natural Environment

Page 33 – Paras 5.8

UDC Comment: It is noted that the proposed Green Wedge has been substantially reduced in the latest Submission NP Version. However, the justification and rationale for this Green Wedge still remains as a way to frustrate/stop development from "any potential speculative major development proposals, as set out in Core Objective (iv)." As mentioned above any strategic development falls under the purview of the Local Plan Process, which the NP should not seek to frustrate.

Pages 43 - Policy STEB 4: Local Green Space

ACHIEVEMENT
AWARDS 2019
FINALISTS **MJ**



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

UDC Comment: There is no mention of land off Marshall's Piece which is located north of Designated Green Space F. UDC own the land off Marshall's Piece, and it has public access. Is there any reason for not designating the land off Marshall's Piece or even identifying it as an area of open space with opportunity for enhancement?

Pages 43 – 44 Policy STEB5: Protection of Green Wedge

UDC Comment: This policy inter alia states that the proposed Green Wedge, ".... will also protect their individual identities from potential speculative major strategic development proposals."

The proposed area of area to be protected by the Green Wedge is currently defined as Countryside in the Adopted UDC Local Plan 2005 wherein the countryside will be protected for its own sake and planning permission for development will only be permitted for development that needs to take place there or is appropriate to a rural area. UDC Local Plan 2005, Policy S7 Countryside also states that, "There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there." It appears that Policy S7 Countryside would achieve the intentions of the Green Wedge. The Green Wedge Policy appears to be akin to a Green Belt policy, a test above and beyond its countryside status, which seeks to prevent urban sprawl by keeping land permanently open.

What is the purpose of this policy; what makes this stretch of countryside more important than any other part of countryside around Stebbing, or elsewhere in Uttlesford such that it warrants special protection over and above it simply being within the countryside?

We are not convinced that this policy contributes to sustainable development.

Chapter 6: Housing and Design

Page 52 – Policy STEB9 – Design Principles and Location of New Development

Our only additional comment would be that within *Policy STEB9 | Design Principles and Location of New Development - 2) Development within the defined countryside*, we would suggest adding an additional bullet point, thus:

- Priority will be given to new development on Previously Development Land, as defined in *Annex 2: Glossary of the National Planning Policy Framework 2019*

UDC Comment: *Annex 2: Glossary of the National Planning Policy Framework 2019* 2021

Page 57 – Policy STEB10: Meeting Local Needs

Is "low-cost market housing" referring to a discounted scheme rather than 'cheaper' housing. The Government seems to be going along with its First Homes scheme. Would it be accurate and worthwhile to say "which deliver discounted ~~low-cost~~ market housing..." with perhaps some reference to First Homes in the supporting text?

It should be noted that planning officers cannot refuse an application that does not meet NPPF criteria and is too small for affordable housing.

Chapter Seven: The Economy

Page 61– STEB15: Supporting the Local Economy – Small Scale Employment Space

UDC Comments: STEB15 – Provision of small-scale and larger scale thresholds would be helpful to the decision maker when determining planning applications.

ACHIEVEMENT
AWARDS 2019
FINALISTS **MJ**



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
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Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Chapter Nine: Transport

Page 69 – Para 9.3

Paragraph 9.3 seems quite aspirational. The X30 is an express bus service from Stansted Airport to Chelmsford and South Essex and works (in association with the X10) on speed and frequency with limited stops. It should also be noted that the X30 bus service passengers pay a premium fare for the speed of the service and the quality of the coach, which does not fit the profile of a local village service.

The X30 bus service has quite an extensive cross-county market. It would take a lot to convince First Group to agree to reroute via Stebbing village, not the least because it would divert the bus well off its existing route. The 133 might be a better alternative, but Arriva would need convincing that there is a business case and diverting bus services further around the "chimney pots" has repercussions for existing users who might not value the added journey time, making the service less attractive for them.

It is suggested that it might be better concentrating on demand responsive services, which ECC see as a better fit for villages.

We hope that the above comments will assist in consideration of the Neighbourhood Plan at Examination.

Yours Sincerely

Demetria Macdonald

Planning Policy Officer

ACHIEVEMENT
AWARDS 2019
FINALISTS **IMJ**

DEVELOPER REPRESENTATIONS

REPRESENTATION 7: Lanpro

(Fri 13/08/2021 11:25)

Dear Sir / Madam,

On behalf of Richstone Procurement Limited, please find attached representations to the Stebbing Neighbourhood Plan: Publication Consultation Regulation 16 (July 2021). We would be grateful for confirmation that the response has been received, and that the comments have been duly made. We also wish to be kept updated regarding the consideration of submitted representations, and the progress of the Neighbourhood Plan more generally.

Kind regards,

[REDACTED]

[REDACTED]

Director of Planning | BSc MSc MRTPI

[REDACTED]

[REDACTED]

W: lanproservices.co.uk



PLANNING | ARCHITECTURE | ARCHAEOLOGY | URBAN DESIGN | LANDSCAPE | HERITAGE | ENERGY

REPRESENTATION 7: Lanpro (contd)



Internal Use Only

Representation Number:

Stebbing Neighbourhood Plan Publication Consultation Regulation 16

Response Form

Consultation period: 8am Monday 19 July 2021 to 5pm Monday 12 September 2021

Uttlesford District Council is inviting representations on the submission version of the Stebbing Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than 5pm on Monday 12 September 2021. Representations after this date will not be considered.

Representations can be submitted by email to: planningpolicy@uttlesford.gov.uk

or by post to

Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public. Anonymous responses cannot be accepted.

REPRESENTATION 7: Lanpro (contd)

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

- Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email **or** postal address. You are not obliged to provide your details; however, we will be unable to process any comments you make.

<u>Contact Name</u>	Tom Pike (Director of Planning)
<u>Email</u>	[REDACTED]
<u>Or Postal Address</u>	The Aquarium, 101 Lower Anchor Street, Chelmsford, Essex, CM2 0AU

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

REPRESENTATION 7: Lanpro (contd)

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The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

REPRESENTATION 7: Lanpro (contd)

1) Your details

Name	Tom Pike (Director of Planning)
Organisation (if applicable)	Lanpro Services Limited
Address	The Aquarium, 101 Lower Anchor Street, Chelmsford, Essex, CM2 0AU
Email	[REDACTED]
Telephone	[REDACTED]

2) Your representations

Please specify which paragraph or policy your representations relate to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
	Please refer to appended letter of representation
CHAPTER	COMMENTS
CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION	
	Please refer to appended letter of representation

REPRESENTATION 7: Lanpro (contd)

CHAPTER TWO: CONTEXT – SETTING THE SCENE	
	Please refer to appended letter of representation
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Policy STEB1 Respecting Stebbing's Heritage – Design and Character	Please refer to appended letter of representation
CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND NATURAL ENVIRONMENT	
Policy STEB 2 Green Infrastructure and Development	Please refer to appended letter of representation
Policy STEB 3 Identified Woodland Sites and Wildlife Sites	Please refer to appended letter of representation

REPRESENTATION 7: Lanpro (contd)

Policy STEB 4 Local Green Space	Please refer to appended letter of representation
Policy STEB 5 Protection of Green Wedge	Please refer to appended letter of representation
Policy STEB 6 Protected Open Gaps	Please refer to appended letter of representation
Policy STEB 7 Important and Protected Views	Please refer to appended letter of representation
Policy STEB 8 Blackwater Estuary SPA site/Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)	Please refer to appended letter of representation
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Policy STEB 9 Design Principles and Location of New Development	Please refer to appended letter of representation
Policy STEB 10 Meeting Local Needs	Please refer to appended letter of representation
Policy STEB 11 Affordable Homes	Please refer to appended letter of representation

REPRESENTATION 7: Lanpro (contd.)

Policy STEB 12 Sustainable Design and Construction	Please refer to appended letter of representation
Policy STEB 13 Managing Flood Risk and Drought Mitigation	Please refer to appended letter of representation
Policy STEB 14 Renewable Energy	Please refer to appended letter of representation
CHAPTER SEVEN: THE ECONOMY	
Policy STEB15 Supporting the Local Economy – Small Scale Employment Space	Please refer to appended letter of representation
Policy STEB16 Communications	Please refer to appended letter of representation
Policy STEB17 Farm Diversification/Improvement Communications	Please refer to appended letter of representation
Policy STEB18 Tourism	Please refer to appended letter of representation
CHAPTER EIGHT: COMMUNITY AND WELL-BEING	
Policy STEB 19 Protection of Play, Sports, Recreation, Leisure and Community Facilities	Please refer to appended letter of representation

Policy STEB 20 Protection of Leisure and Community and Facilities	Please refer to appended letter of representation
Policy STEB 21 Health and Medical Care	Please refer to appended letter of representation
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Policy STEB 22 Promoting Sustainable Transport	Please refer to appended letter of representation
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Policy STEB H1: Garden/Paddock adjacent to Watch House	Please refer to appended letter of representation
Policy STEB H2: Land West of Brick Kiln Farm	Please refer to appended letter of representation
Policy STEB H3: Hornsea Lodge, Bran End	Please refer to appended letter of representation

Policy STEB H4: Meadowbrook, Mill Lane	Please refer to appended letter of representation
Policy STEB H5: Land at Elmcroft, The Downs	Please refer to appended letter of representation
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Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Stebbing Neighbourhood Plan?

Yes X

No

Thank you for completing this response form.

REPRESENTATION 7: Lanpro (contd.)



Aquarium, Suite 11, 101 Lower Anchor Street, Chelmsford, CM2 0AU

Planning Policy,
Uttlesford District Council,
London Road,
Saffron Walden,
Essex,
CB11 4ER.

Lanpro Project Number – 2953.

Email only (planningpolicy@uttlesford.gov.uk).

Date: 13th August 2021

Dear Sir / Madam,

Representations on behalf of Richstone Procurement Limited to the Stebbing Neighbourhood Plan: Publication Consultation Regulation 16 (July 2021)

Land East of Brick Kiln Lane and North of Pound Gate, Stebbing, Essex, CM6 3RH

Lanpro Services Limited (Lanpro) act as planning consultant to Richstone Procurement Limited in respect of their land interest to the east of Brick Kiln Lane and North of Pound Gate, Stebbing, Essex, CM6 3RH ('the Site'). Lanpro is instructed by Richstone Procurement Limited to submit a response to the Stebbing Neighbourhood Plan Public Consultation Regulation 16 (July 2021) ('the Draft Neighbourhood Plan').

The Site & Planning Context

The Site extends to approximately 2.93 hectares (7.24 acres). It is formed of two distinct elements: an agricultural arable field; and a gap in the frontage at Pound Gate. It is located east of Brick Kiln Lane, and north of Pound Gate and Garden Fields. It is broadly bounded by a dense band of mature trees to the north, with an existing residential dwelling, undeveloped land and Clay Lane beyond; to the east there is no natural delineation to the Site, and it continues into the open countryside; to the south is a hedgerow and existing residential dwellings which front on Pound Gate; and to the west is a belt of mature trees, with Brick Kiln Lane and existing residential dwellings beyond. An opening between the vegetation to the south-eastern corner of the Site is used by dog walkers / ramblers to informally walk the perimeter of the field. The Site slopes gently down towards Brick Kiln Lane from the east and north.

On the Proposals Map which accompanies the District Council's adopted planning policies, the southern part of the Site is located within the development limits for Stebbing, with the remainder of the Site being outside of, although adjacent to, the development limits. The Site is not the subject of any specific allocations or designations. It is not located within a Conservation Area and does not contain any statutorily or locally listed buildings or structures. It is within Flood Zone 1.

Planning Application

A Planning Application (reference UTT/21/2082/FUL) related to the Site was submitted to the District Council in June 2021. It proposes the erection of 60no dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerows. It also includes a parcel of land adjacent to Stebbing Primary School which the applicant is willing to transfer at nil cost to Essex County Council, or directly to the Primary School, to assist with its future expansion. The Planning Application is awaiting

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determination.

Response to Stebbing Neighbourhood Plan Public Consultation Regulation 16

On behalf of our client, we write with our objection to Chapter 10 of the Draft Neighbourhood Plan (DNP). The DNP proposes to allocate 14 – 20 new residential dwellings over six sites. However, the Sites proposed are in our view not viable for development as set out in the following paragraphs. There is an alternative and suitable development Site to the north of Pound Gate in the heart of Stebbing that is not included in the DNP but has been put forward in the District Councils 'Call for Sites' process and expanded on later in this document. It is also currently the subject of a 'live' planning application.

OVERARCHING REASONS FOR OBJECTION

The DNP proposes six housing allocation sites that would provide between 14 – 20 new dwellings. The overarching reasons for our objection are listed below:

- 1) The site-specific analysis for the suitability of each of the allocation sites are unrealistic and we do not believe the sites are suitable for residential development (see the expanded site analysis sections below)
- 2) Each site would fall under the threshold for providing Affordable Housing as stated in UDC's Planning Policy H9. Therefore the DNP would not provide any Affordable Houses to meet the local and wider district need, which is contrary to the objectives of local and national planning policy.
- 3) The small-scale nature of the six sites mean that there would unlikely be any S106 contributions to help the local needs including the primary school or traffic calming measures.
- 4) The sites are not located in a sustainable location, and some of which are over 1km away from the heart of the village, and therefore offer limited support to the village amenities and public transport services. This is contrary to the 'basic conditions' which a Neighbourhood Plan is required to comply with.
- 5) The DNP does not sufficiently contribute to the shortfall in housing numbers in UDC's Local Plan, nor does it ensure smaller 2 or 3 bed dwellings in accordance with the SLAA. The DNP places significant emphasis on housing developments already approved and constructed. However these sites are already allowed for in the UDC Housing Land Supply.
- 6) The Government's objective is to significantly boost the supply of homes, and therefore it is considered appropriate to allocate additional sites given the chronic undersupply in the District more generally

We have expanded the site analysis of each of the allocated sites. There are fundamental reasons why the sites cannot be delivered and therefore the DNP cannot contribute the unit numbers as suggested. The points below should have been taken into account when analysing the potential development criteria.

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Policy STEB H1: Garden / Paddock adjacent to Watch House

- Fundamentally, the site is recognised in 'Parcel 18 of the 'Landscape Sensitivity and Capacity Appraisal, 2017' document prepared by Stebbing Parish Council and submitted with the DNP. The site is described as having a 'Low landscape capacity' and therefore described as;

Parcels within the Low category fell, largely, within the following types:

- *Valley side landscapes that provided a setting and backdrop to the historic elements of Stebbing village, Bran End and Church End, including the Grade I Listed church and the Conservation Area.*
- *Open agricultural landscapes that contributed to the setting of Stebbing village, properties fronting Warehouse Road, and Stebbing Green.*
- *Land that provided important breaks, necessary to maintain the historic settlement pattern of discrete hamlets within the village, e.g. between Warehouse Road and Church End.*

6.3.31 Any development in these parcels would have significant adverse effects on the historic integrity of the village and its development, the setting of Listed Buildings, and and/or the attractive views and vistas that are available from points within the village.

- The site is located well outside of the defined settlement boundary and resides adjacent to Grade II listed buildings therefore restricting development opportunity.
- Development of this site completes the urban grain along the Watch House Road. This would remove the soft break in development that characterises the edge of village setting.
- Essex County Council Highways would require a clear visibility splays when exiting the site of 2.4m x90m. This would eradicate the existing hedge along the site frontage dramatically altering the character area.
- The site is located 1km away from the heart of the village. This distance is similar to the planning application site North of Rosemary Lane Rosemary Lane, Bran End, Stebbing (ref; UTT/20/1102/OP) which is current under APPEAL of the application for up to 60 residential dwellings. The Appeal Hearing Statement prepared by Stebbing Parish Council deems this distance too far to be able to support the village facilities. They suggest more suitable sites are available within 800m of the village core.
- The allocation for 4-5 properties does not provide Affordable Housing in accordance with Policy H9.
- There are surface water flooding issues as highlighted on the Environment Agency's interactive Surface Water Flood Map.
- To be in keeping with the area proposed dwellings would have to be large family homes. This does not help meet the SLAA requirements of small 2 and 3 bed units.

Policy STEB H2: Land West of Brick Kiln Farm

The site is a brownfield site. The existing barns would need to be demolished to make way for the change of use to residential (C3). While the principle of this may be acceptable we would note that;

- The allocation for this site does not provide Affordable Housing in accordance with Policy H9.
- The narrow lane is a national speed limit with no footpaths or street lights linking to the village



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amenities or public transport services.

Policy STEB H3: - Hornsea Lodge, Bran End

- This site is situated further away from heart of the village than the residential housing application UTT/20/1102/OP North of Rosemary Lane, Bran End. The site that is deemed too far from the village facilities by Stebbing Parish Council in their appeal Hearing statement by Stebbing Parish Council.
- Development for up to 3 units will not contribute any Affordable Housing requirements and would not necessary provide small 2 or 3 bed units.

Policy STEB H4: - Meadowbrook, Mill Lane

- Fundamentally the site is recognised in 'Parcel 34 of the 'Landscape Sensitivity and Capacity Appraisal, 2017' document prepared by the Stebbing Parish Council and submitted with the DNP. As with STEB H1, the site is described as having a 'Low landscape capacity' and 'would have a significant adverse effects on the historic integrity of the village and its development, the setting of Listed Buildings, and and/or the attractive views and vistas that are available from points within the village.'
- The site only contributes a net 1 property as it includes the demolition of existing bungalow.
- The allocation is to extend residential curtilage into open countryside with no control over garden paraphernalia harming the countryside.
- The extended site as proposed has previously been rejected by SLAA.
- Development of the site will not contribute any Affordable Housing in accordance with Policy H9.
- Adjoins Grade II* and Grade II listed properties therefore restricting appropriate development. There is limited evidence included in the Local Plan to demonstrate that the development of the site would not be harmful to the heritage assets.
- The site is located in the Conservation Area.

Policy STEB: H5 - Land at Elmcroft, The Downs

- Fundamentally, the site entrance is through a protected verge as set out in UDC's 'Special Verge (policy ENV8). The existing site entrance cannot be upgraded/widened to ECC Highway standards without profiling the ground and eradicating the special qualities of the verge.
- Clear visibility splays cannot be provided without profiling the verge and removing the hedge that characterises the lane.
- Fundamentally the site is recognised in 'Parcel 38 of the 'Landscape Sensitivity and Capacity Appraisal, 2017' document prepared by the Stebbing Parish Council and submitted with the DNP. As with STEB H1, the site is described as having a 'Low landscape capacity' and 'would have a significant adverse effects on the historic integrity of the village and its development, the setting of Listed Buildings, and and/or the attractive views and vistas that are available from points within the village.'
- Development of this site will not contribute any Affordable Housing in accordance with Policy H9.

Policy STEB: H6 - Hay Meadow, Stebbing Green

- Fundamentally, the Environment Agency confirms the entire site as having the most severe

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rating 'High Risk' of surface water flooding. Therefore any development of this site would need to pass the sequential and exceptions tests set out in national policy, and would likely have a huge detrimental impact on the surrounding built form and wildlife habitat.



- Fundamentally the site is recognised in 'Parcel 25 of the 'Landscape Sensitivity and Capacity Appraisal, 2017' document prepared by the Stebbing Parish Council and submitted with the DNP. As with STEB H1, the site is described as having a 'Low landscape capacity' and 'would have a significant adverse effects on the historic integrity of the village and its development, the setting of Listed Buildings, and and/or the attractive views and vistas that are available from points within the village.'
- The site located within the 'Stebbing Green Special Character Area'. Development would eradicate the characteristics of the area.
- The DNP identifies Stebbing Green to be upgraded to a potential Conservation Area due to its heritage and landscape properties. Development of this site would adversely impact on this proposal.
- The site is some 2.5km from heart of village and the defined settlement boundary with no footpath and no street lighting linking to the village amenities or public transport services. Therefore the village cannot rely on this development for any support.
- Development of the site will not contribute any Affordable Housing in accordance with Policy H9.

PROPOSED ALTERNATIVE SITE

Our client has a more suitable, and sympathetic site in the heart of the village on Land to the East of Brick Kiln Lane and North of Pound Gate, Stebbing, Essex (Easting) 565914, (Northing) 224841.

This site has been promoted in UDC's Call for Sites April 2021 process, under reference 'Stebbing 001 RES'

The site is also being considered by UDC's Planning department for residential development for 60 residential dwellings including 24 Affordable Houses (planning ref: UTT/21/2082/FUL). Many of the units are to be small 1, 2 and 3 bed units including bungalows to support first time buyers and people looking



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to downsize.

This development site offers a substantial benefit to the village of Stebbing that no other development can. This site is located close to the heart of Stebbing village and provides the opportunity to support the existing facilities and public transport services. Significantly this development provides the unique enabling opportunity to expand the Stebbing Primary School grounds. This will give the school the opportunity to create additional class room spaces to cater for the current demand for places along with the potential demand from children residing in the new properties resulting from the proposed housing allocations in the Neighbourhood Plan. This increase in land could potentially free up space to provide additional off street car parking spaces. Approval of this site would also provide a new traffic calming scheme for the High Street, installation of new play equipment in the playground, a new village bus with a 5-year running cost, and the cost for a profession driver for the bus for up to 5 years. This has been requested by the Parish Council should the current planning application be approved. None of these benefits will be secured through adoption of the allocated sites in the current draft DNP.

This site is recognised as 'parcel 14' in the Stebbing Neighbourhood Development Plan Landscape Sensitivity and Capacity Appraisal 2017, prepared for the Stebbing Parish Council. The document rates the site as a 'Medium' in terms of landscape capacity, confirming that Parcel 14 has localised capacity for some medium scale development in landscape terms'.

The appraisal has analysed 41 separate parcels of land with Parcel 14 having the 3rd best rating with a score of 41. Parcel 14 would have scored higher had it more screening to the boundaries. Our client's site forms a small section of Parcel 14 and addresses the concern by providing a new native tree and hedgerow eastern boundary.

Positive Pre-Application planning advice has been received from Uttlesford District Councils Planning Department, ref: UTT/20/1369/PA. The advice received suggested that the principle of development is considered acceptable due to its close location to the heart of the village, with the increased spending power of new residents benefitting existing shops and services, and the ability to supply a mix of housing that can help meet the shortfall in the Council's housing supply, including 40% of the total number of units being made available as Affordable Housing for which there is a demonstrable demand. The density of development, inclusion of smaller dwellings and bungalows, links to the surrounding walkways and Public Rights of Way, inclusion of public open space, provision of a number of biodiversity benefits, and the existing site landscape buffer together a new landscaped eastern buffer were all welcomed.

Positive Pre application advice has also been received from ECC Highways department (dated 12/08/2020) who have confirmed that subject to a detailed design vehicle and pedestrian access can be acceptable form Pound Gate.

Uttlesford District Council currently have a short fall in their five-year housing supply. As a result Class A villages, such as Stebbing, have to provide a certain number of units to support the overall demand for housing. A sensitive design solution on this site negates the need for less sustainable development further outside of the village boundary that would not provide support to the village facilities nor be able to provide additional land to the school.

OTHER CONSIDERATIONS

- Policy STEB8: The wording of the policy is not consistent with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. Project-level HRAs are not required for all planning applications proposing residential development. Rather, this is only required for those

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located close to a habitats site boundary or 'large-scale' developments.

- **Policy STEB9:** A number of appeal decisions have found the District Council's Policy S7 to be out-of-date and in conflict with the NPPF.

The appeal decision found that 'Saved' Policy S7 goes beyond NPPF Paragraphs 127 and 170 in recognising settlement boundaries adopted in relation to housing numbers in the Essex Structure Plan (2001). 'Saved' Policy S7 is therefore out-of-date and, in restraining development, is in conflict with the NPPF objective of significantly boosting the supply of homes. However, the Appeal Inspector found that the aim of 'Saved' Policy S7 to 'protect the countryside' was in line with the principles in the NPPF, and therefore 'Saved' Policy S7 is partially consistent with the NPPF in this way. The Appeal Inspector ultimately found that the first two elements of 'Saved' Policy S7 should be given 'very limited' weight, that the final part of 'Saved' Policy S7 should be given 'moderate' weight, and that it was not reasonable to consider a blanket prohibition on new development in the countryside, particularly in a District with an 'acute' housing land supply deficit.

As such, it is not appropriate for it to essentially be replicated in the Neighbourhood Plan.

- **Policy STEB10:** The proposed requirements need to be considered in the context of financial viability, and in the absence of evidence to demonstrate that such a requirement will not detrimentally impact upon scheme viability, it should be omitted.

CONCLUSION

In conclusion, we strongly object to Chapter 10 of the Draft Stebbing Neighbourhood Plan as the six allocated sites have fundamental issues that we feel cannot be overcome.

However, our clients land North of Pound Gate currently being considered by UDC's Planning Department represents a sustainable and logical development that provides many benefits to the village including S106 contributions and land gifted to the primary school. It allocates Stebbing's contribution to the housing shortfall in the heart of the village providing support for the existing amenities and public transport services. The development provides much needed, bungalows, affordable housing and small 2 and 3 bed starter homes. It also fundamentally preserves the historic village setting.

For the reasons set out above the DNP should not be formally adopted by the Council.

We trust that this response is helpful in the context of the Draft Neighbourhood Plan. We would be grateful for confirmation that the response has been received, and that the comments have been duly made. We wish to be kept updated regarding consideration of representations, and the progress of the Neighbourhood Plan more generally.



Aquarium, Suite 11, 101 Lower Anchor Street, Chelmsford, CM2 0AU

Yours sincerely,



Tom Pike
Director of Planning

For and on behalf of Richstone Procurement Limited

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Registered Number: 6593948

REPRESENTATION 8: Springfields Planning & Development Limited

1. RESPONSE FORM



Internal Use Only

Representation Number:

Stebbing Neighbourhood Plan

Publication Consultation Regulation 16

Response Form

Consultation period: 8am Monday 19 July 2021 to 5pm Tuesday 28 September 2021

Uttlesford District Council is inviting representations on the submission version of the Stebbing Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than **5pm on Tuesday 28 September 2021**. Representations after this date will not be considered.

Representations can be submitted by email to: planningpolicy@uttlesford.gov.uk

or by post to

Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email or postal address. You are not obliged to provide your details; however, we will be unable to process any comments you make.

**Contact
Name
Email**

Christopher Loon

**Or Postal
Address**

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

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- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	Christopher Loon
Organisation (if applicable)	Springfields Planning and Development Limited (on behalf of Mr and Mrs K. Newnham)
Address	[REDACTED]
Email	[REDACTED]
Telephone	[REDACTED]

2) Your representations

Please specify which paragraph or policy your representations relate to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments
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Policy STEB 9 Design Principles and Location of New Development	See covering letter of Representation

Policy STEB 10 Meeting Local Needs	
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CHAPTER THIRTEEN: IMPLEMENTATION, MONITORING AND REVIEW

Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Stebbing Neighbourhood Plan?

Yes

No

Thank you for completing this response form.

2. Representation Letter



Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Ref: 389/NEW

Date: 21 September 2021

By email to: planningpolicy@uttlesford.gov.uk

Dear Sirs

**Representations (Regulation 16) to Stebbing Neighbourhood Plan
Mr and Mrs K. Newnham**

This letter provides representations to the Stebbing Neighbourhood Plan ("the SNP") on behalf of our clients, Mr and Mrs K. Newnham. The associated Representations Form is also attached.

The background to these representations concerns our clients' freehold land at Sabre House, Dunmow Road, Stebbing CM6 3LF. It is of concern that the SNP does not make satisfactory policy provision for the residential (market housing) redevelopment of the land, noting its prevailing circumstances including previously developed land. As explained below, the SNP does not have proper regard to national policies and advice, such that the required 'Basic Conditions' for Neighbourhood Plans are not met. Amendments to the SNP are therefore suggested.

Sabre House

Firstly, we set out some brief facts about Sabre House, so that our representations can be placed in context. The site which we comment on is edged red on the Site Location Plan, Drawing 2021-441-001 (Appendix 1) and measures 0.44ha. It is part of a wider parcel of land, with adjacent owned land edged in blue. The site is located outside Stebbing village, to the southern fringes of the Designated SNP Area, to the immediate north of Dunmow Road (the B1256). Stebbing Green lies to the north-east.

The 0.44ha site comprises a mixture of residential and commercial buildings and uses. There is also open car storage, mainly used in connection car sales and airport-related parking. The site was recently subject of an outline planning application to renew a previous consent for up to 9 dwellings (see below).

There are various extant planning permissions on the site relating to the commercial activity and development. The site (plus blue edged land) has also been subject of residential planning consents (see below). A full list of planning applications stated on the Uttlesford DC website is submitted (Appendix 2).

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Limited, trading as Springfields Planning
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For context, just outside the 0.44ha site to the north-east, planning permission was granted for a new dwelling to replace the existing bungalow currently located to the south-west corner. The local planning authority acknowledge that a slab for an associated garage has been constructed, keeping this permission alive. Moreover, Uttlesford DC granted outline planning permission (application ref: UTT/17/2480/OP) in November 2017 (Appendix 3) for the replacement of all buildings on the 0.44ha site and their replacement with “up to” 9 dwellings, with an access off the B1256, effectively re-using one of the several existing accesses in to the site from the B road. The implementation of this consent was thwarted by the Coronavirus Pandemic. Therefore, a renewal planning application (ref: UTT/21/0333/OP) was made but the Planning Committee at Uttlesford DC (unreasonably in the clients’ view) refused this application on 4 August 2021, despite there *being no material change in policy or other circumstances and planning officers recommending approval* as per their report (Appendix 4).

A planning appeal (written representations) against this decision was lodged in September 2021 and a decision on the appeal is anticipated to be made by the Planning Inspectorate by February/March 2022 (ie 5 to 6 months after appeal submission). A copy of the Appeal Statement of Case (Appendix 5) provides useful information for consideration. The appeal proposals for up to 9 dwellings put a sound case for the redevelopment of the site in pursuit of meeting the NPPF’s sustainable development objectives

The key points to note regarding the site with relevance to this representation are that:

- The site comprises Previously Developed Land ie Brownfield Land. The site of the approved (up to) 9 dwellings lies on Uttlesford DC’s Part 1 Brownfield Land Register (Appendix 6). One of the tests of whether the council choose to place such a site on this register is whether the LPA deem it suitable for residential development.
- The site for up to 9 dwellings as approved under application UTT/17/2480/OP is listed in the SNP Evidence Base (EB16) as one of the ‘Extant Planning Permissions’, although it has now expired (NB – subject to appeal challenge). It is also included for housing delivery in 2022/23 in Uttlesford DC’s Housing Trajectory and 5 Year Housing Land Supply Statement (January 2021) (Appendix 7)
- The site is already developed by commercial and residential buildings, hard surfaces, open storage, car parking and fencing. Generally, the site is not attractive or fitting with the appearance of the countryside (lacking rural ‘character and beauty’). The site has defensible boundaries in the form of mature boundary planting (shielding the site) and a road. The site is not a ‘valued landscape’ in NPPF terms. Subject to an appropriate reserved matters submission, the scheme at the density envisaged should produce a development which is more suited to the appearance and character of the countryside.
- The redevelopment of the site will offer opportunities to secure multiple benefits including housing provision, improvements to appearance, traffic reductions, rationalisation of highway accesses, contamination remediation and biodiversity net gains.

Legal Tests

Paragraph 8 of Schedule 4B of the Town and Country Planning Act (as amended) sets out the ‘basic conditions’ that the SNP must meet. Paragraph 8(1) states that the Examiner must consider (inter alia): whether the draft neighbourhood development plan meets the “basic conditions”. Paragraph 8 (2) states (inter alia) that a draft neighbourhood development plan meets the basic conditions if: (a) *having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;* and(b) *the making of the neighbourhood development plan contributes to the achievement of sustainable development;*

In respect of 'national policies and advice contained in guidance issued by the Secretary of State', reference should be paid to the National Planning Policy Framework (NPPF) and related Planning Policy Guidance (PPG). The NPPF (Chapter 2) provides guidance on 'the achievement of sustainable development'.

The following NPPF policies are particularly relevant.

NPPF Para	Highlighted Content of NPPF Policies
8	Advises of three overarching objectives (economic, social and environmental) regarding sustainable development
10	So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)
11	Plans should apply a presumption in favour of sustainable development. For plan-making this means (inter alia) that: a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
16	Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
28	Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
29	Neighbourhood plans can shape, direct and help to deliver sustainable development
31	The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
59	To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay
69	Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
70	Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their area.
79	To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
119	Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
120	Planning policies and decisions should: a) encourage multiple benefits from rural land, taking opportunities to achieve net environmental gains; c) give substantial weight to the value of using suitable brownfield land within settlements for homes, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
Cont/..	

NPPF Paragraph	Highlighted Content of NPPF Policies (continued)
121	Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.
124	Planning policies should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; d) the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
126	The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
174	Planning policies should contribute to and enhance the natural and local environment by: b) recognising the intrinsic character and beauty of the countryside; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

These objectives in relation to our client's site can be positively addressed by a residential redevelopment, as may be obvious from Uttlesford DC's previous grant of planning permission, supportive recommendations from planning officers and the client's Appeal Statement of Case, as referenced and appended to this representation. The redevelopment of the site for up to 9 market dwellings would contribute to the achievement of sustainable development.

Comments on SNP against national policy, guidance and the achievement of sustainable development

Taking account of the NPPF and the circumstances of Sabre House, the SNP is not considered to have met the basic conditions, for reasons now explained.

The environmental and social objectives of the NPPF' sustainable development (Para 8) would support the re-use of previously developed land (PDL) for housing.

The SNP has not allocated the 0.44ha site at Sabre House (with a recently expired extant consent for up to 9 dwellings) for residential development but has allocated a number of other sites for residential development, where these are deemed PDL but some of which merely include residential gardens outside built up areas (and therefore are not excluded from the NPPF's PDL definition). By contrast, Sabre House has numerous buildings which are 'of their time' or of limited quality/appearance, where redevelopment would assist.

The SNP explains its approach to the possibility of brownfield sites being developed, at paragraph 6.8 as follows:

The Steering Group also considered the more recent growth of the village and both existing commitments and applications pending during the preparation of the Plan. It also examined the possibility of development being possible on brownfield sites, but apart from a few small scale opportunities to rebuild or intensify existing residential curtilages, there are no realistic sites likely to come forward in the Plan period

However, the owners of Sabre House wish for their PDL site to be brought forward for housing and as such it should have been considered by the SNP as a 'realistic site', already having been deemed suitable for residential development by its inclusion (in 2017) on Uttlesford DC's Part 1 Brownfield Land Register. A developer was close to completing a deal for the site but this fell through due to issues relating to the Coronavirus Pandemic.

Paragraph 121 of the NPPF states that,

'Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them'

Therefore, pursuant to the NPPF, the 'plan making body' in respect of the SNP should have taken a proactive role in helping to bring forward the redevelopment of Sabre House to help meet development needs. It has failed in this regard.

The fact that the site is on the Brownfield Land Register, had a recent planning permission for housing and appears on Uttlesford DC's 5 year housing land supply trajectory as a windfall site, being 'relevant and up to date evidence', should have been accounted for in preparing the SNP in accordance with NPPF Paragraph 31.

Policy STEB9 of the SNP set out policy of 'Design Principles and Location of New Development'. Section 1 of this policy concerns 'Development within defined development limits, allocated and infill sites'. Section 2, which would apply to Sabre House, concerns 'Development within the defined countryside' and states:

This part of Policy STEB9 provides additional and up-to-date guidance on those sites that are also subject to Strategic Policy S7 - The Countryside of the ULP 2005. In order to protect the intrinsic character of the countryside, support will only be given to proposals that comply with the following categories of development:-

- *Agriculture, horticulture, forestry;*
- *Outdoor recreation;*
- *Other uses which need to be located in the countryside, including infrastructure provision required by a utility company to fulfil their statutory obligation to their customers;*
- *Affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way including some market housing necessary to secure the viable delivery of the affordable homes;*
- *Residential conversion of redundant or disused rural buildings, which will enhance their setting;*
- *Subdivision of an existing dwelling;*
- *Construction of new houses of exceptional design meeting the criteria set in paragraph 79e of the NPPF;*
- *Conversion of the existing buildings and the erection of well-designed new buildings for business uses;*
- *Infilling of small gaps in small groups of houses where development would be in character with its surroundings and with limited impact on the countryside;*

and

- *Priority will be given to new development on Previously Developed Land, as defined in Annex 2: Glossary of the NPPF 2019.*

Despite the policy noting the priority which Policy STEB9 affords to PDL, it is unduly restrictive for two key reasons. Firstly, the policy states that 'only' a certain category of exceptions will apply. It has not allowed for all scenarios. Also it seeks to 'protect' countryside character, not 'recognise' its intrinsic character and beauty (which is the NPPF's wording at paragraph 174b). The policy recognises Uttlesford Local Plan Policy S7 (Countryside) but which is of limited weight (see Chapter 7 of Appeal Statement of Case at Appendix 5).

Secondly, Policy STEB9 appears to unreasonably resist the redevelopment of brownfield land where this is to be redeveloped for general market housing only. This is unwarranted in NPPF terms.

This restrictive policy runs contrary to the provisions of the NPPF and will thwart the achievement of sustainable development as sought by the NPPF. This is exemplified in the case of Sabre House because strict application of the SNP policy would unreasonably prevent:

- The environment being improved (NPPF Para 11);
- Objectives of significantly boosting the supply of land for housing including a variety of sites being realised (NPPF Paragraph 59)
- An important contribution to housing supply from a small/Medium scale housing site (NPPF Paragraph 69)
- Enhancement of the vitality of rural services, noting the proximity of the site to a range of small settlements, not just Stebbing but also Blake End, Felsted, Little Dunmow, Flitch Green, Watch House Green and Rayne (NPPF Paragraph 79). See further detail in Appeal Statement of Case.
- An effective use of land to meet housing need and environmental improvements being realised (NPPF Paragraphs 119 and 174)
- Multiple benefits being secured, including housing provision, improvements to countryside appearance, traffic reductions, rationalisation of highway accesses, contamination remediation, biodiversity net gains and improvements to natural environment (NPPF Paragraph 120)
- An effective use of land, noting the need for housing, potential viability issues and scope for an improved attractive place (NPPF Paragraph 124)
- New sustainable buildings (NPPF Paragraph 126)

Suggested Amendments to SNP

In order to pursue sustainable development in a positive way (NPPF Para 10), help better contribute to the economic, social and environmental objectives of sustainable development (NPPF Paragraph 8), assist towards meeting the objective of contributing to the achievement of sustainable development (NPPF Paragraph 16), and direct and help to deliver sustainable development (NPPF Paragraph 29), the following suggestions are made to the SNP, which in our view will mean the SNP is then able to meet the required 'basic conditions' of the Legal Tests.

Suggestion 1 - Allocate the 0.44ha site at Sabre House for residential (market only) development

The site area of 0.44 ha is that shown on the submitted plan at Appendix 1. This is the area of existing buildings and hardstandings that benefitted from a recently expired grant of planning permission for up to 9 dwellings. It is suggested that a similar housing allocation could be made in the SNP for up to 9 dwellings.

This site area falls under Government thresholds for affordable housing. Also, it is likely to encounter abnormal costs during construction as a result of contamination remediation, noting underground petrol tanks, oil tanks, workshops and car storage, such that the site should only be allocated for market (and not affordable) housing.

The plan making body is able to allocate sites for housing as per NPPF Paragraphs 29 and 70. The allocation of this PDL site will not cause any prejudice to the remaining parts of the SNP (subject to any comments on Policy STEB9) especially given its unique circumstances and also the fact that the plan making body was aware that Sabre House was due to deliver this amount of housing (listed at document EB16) and thus had already factored this in to its housing assessment.

The allocation and development of the site for market housing is likely to be able to meet other objectives and policies of the SNP, such as providing space and facilities for home working under Policy STEB15 (Supporting the Local Economy). This would be part of the overall 'multiple benefits' approach of re-using PDL as favoured by national policy.

Inclusion of the site as an allocated housing site would require consequential amendment to the Policies Map and list of policies at Chapter 11 of the SNP.

Suggestion 2 – Amend Policy STEB9

Policy STEB9 should be amended to support the redevelopment of sites for market housing will be supported on Previously Developed Land where buildings exist, and especially where multiple benefits will be delivered including improvements to the appearance of the site, the local environment, net biodiversity gains, contamination remediation and traffic reductions.

Also, the second sentence of the policy should be amended from: *"In order to protect the intrinsic character of the countryside, support will only be given to proposals that comply with the following categories of development:-"* to *"In order to recognise the intrinsic character and beauty of the countryside, support will normally only be given to proposals that comply with the following categories of development:-"*

This wording will better reflect NPPF (Para 174b) and will be less restrictive, allowing for other circumstances which may support sustainable development.

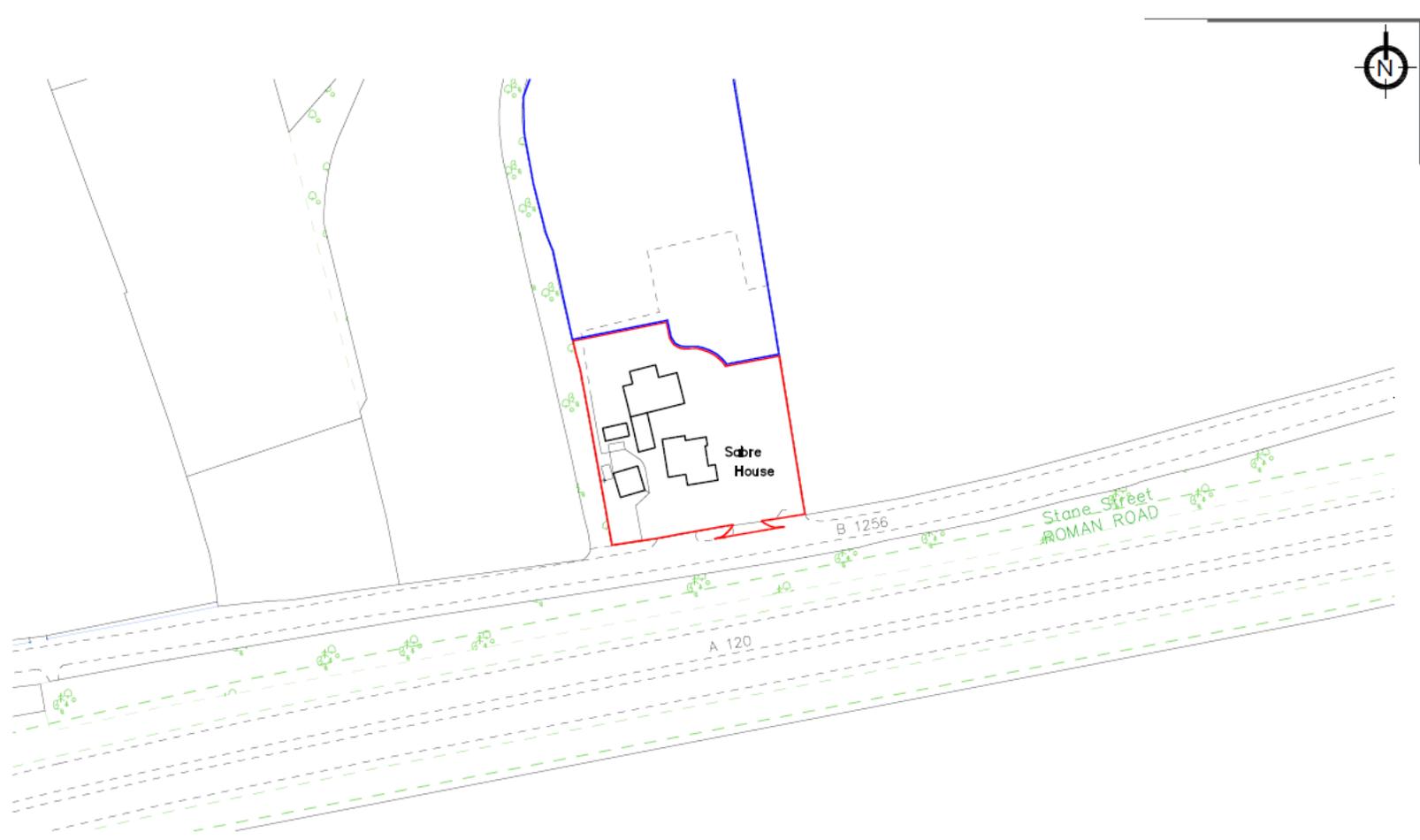
Yours faithfully



Director

Enclosed Appendices:

- 1 - Site Location Plan, Drawing 2021-441-001
- 2 - List of planning applications at Sabre House
- 3 - Decision Notice, Planning Permission ref: UTT/17/2480/OP (Sabre House – up to 9 dwellings and access)
- 4 - Planning Officer's Report to Uttlesford Planning Committee – planning application ref: UTT/21/0333/OP
- 5 - Appeal Statement of Case – planning application ref: UTT/21/0333/OP
- 6 - Uttlesford DC's Part 1 Brownfield Land Register (Sabre House)
- 7 - Uttlesford DC's Housing Trajectory and 5 Year Housing Land Supply Statement (January 2021)



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Client: K. Newnham	Scale: 1:1250 @ A3
Project: Sabre House, Dunmow Road Stebbing, CM6 3LF	Status: Planning <input type="checkbox"/>
Drawing: Location Plan	Dwg No: 2021-441-001
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REPRESENTATION 8: Springfields Planning & Development Limited (contd.)

Appendix 2 – List of Planning Applications Sabre House

List of Historic Planning Applications on LPA website

Sabre House, Stebbing

Outline application with all matters reserved except for access to demolish buildings and remove commercial uses(cars sales and airport parking etc) and construct residential development of up to 9 dwellings renewal of planning permission UTT/17/2480/OP

Ref. No: UTT/21/0333/OP | Status: Refuse

Retention of change of use of land and associated office building to car sales with retention of access to airport parking to the rear of the site

Ref. No: UTT/17/0365/FUL | Status: Approve with Conditions

Outline application. with all matters reserved except for access, to demolish all buildings and remove commercial uses(cars sales and airport parking etc) and construct residential development of up to 9 dwellings

Ref. No: UTT/17/2480/OP | Status: Approve with Conditions

Certificate of lawfulness for existing use for airport related parking

Ref. No: UTT/0988/11/CLE | Status: Approve Certificate of Lawfulness

Discharge of conditions C.4.1, C.5.1, and C.8.27 on Application UTT/0418/04/FUL

Ref. No: UTT/1583/09/DOC | Status: DC1

Variation of condition C.6.1 of planning approval UTT/0218/04/FUL (revised approval of planning approval UTT/1132/00/FUL) to office accommodation not associated with Sabre Sports

Ref. No: UTT/1080/05/FUL | Status: Approve with Conditions

Erection of two storey dwelling and detached garage

Ref. No: UTT/0418/04/FUL | Status: Approve with Conditions (Appeal subsequently allowed 08.06.2005 to remove personal occupancy condition)

Revision to scheme approved under UTT/1132/00/FUL for erection of glazed front gable to reception area

Ref. No: UTT/0218/04/FUL | Status: Approve with Conditions

Erection of ground floor extension and creation of office at first floor

Ref. No: UTT/1857/03/FUL | Status: Refuse

Erection of replacement two- storey dwelling with detached triple garage

Ref. No: UTT/1177/02/FUL | Status: Refuse

Extension to existing building for storage of lorry

Ref. No: UTT/0599/02/FUL | Status: Approve with Conditions

Construction of office and store with hardstanding to replace existing buildings. Alteration to existing access

Ref. No: UTT/1274/00/FUL | Status: Refuse

Replacement pitched roof and extensions to incorporate first floor offices and workshops

Ref. No: UTT/1132/00/FUL | Status: Approve with Conditions

Retention of two metre closeboarded fencing

Ref. No: UTT/0747/99/FUL | Status: Approve with Conditions

Proposed installation of new underground petroleum storage tank. Alteration to existing access

Ref. No: UTT/1750/90 | Status: AST

Alteration to existing access

Ref. No: UTT/1095/90 | Status: Approve with Conditions

Outline application for proposed motel units, associated parking and new workshop

Ref. No: UTT/1018/89 | Status: AL

Proposed extension to bungalow

Ref. No: UTT/0383/82 | Status: Approve with Conditions

Outline application for new motel workshop and showroom

Ref. No: UTT/0409/81 | Status: Approve with Conditions

Proposed new sales area and self service petrol payment unit

Ref. No: UTT/0013/80 | Status: Approve with Conditions

Proposed new forecourt layout and sales room

Ref. No: UTT/1097/79 | Status: Approve with Conditions

Erection of an illuminated petrol company sign with illuminated price box

Ref. No: A/UTT/0580/79 | Status: Approve with Conditions

Proposed LPG Container storage compound

Ref. No: UTT/0781/79 | Status: Approve with Conditions

Outline application for proposed new motel workshop and showroom

Ref. No: UTT/0520/78 | Status: Deemed Refused

Installation of new underground petrol storage tank to existing petrol filling station

Ref. No: UTT/0764/77 | Status: Approve with Conditions

Change of use of storage buildings to mechanical workshop

Ref. No: UTT/0276/77 | Status: Approve with Conditions

Proposed extension to kitchen

Ref. No: UTT/0255/77 | Status: Approve with Conditions

Extension and improvements

Ref. No: UTT/0365/75 | Status: Approve with Conditions

Formation of a new forecourt design at Unity Cafe

Ref. No: DUN/0661/73 | Status: Approve with Conditions

Illuminated signs

Ref. No: A/DUN/0010/73 | Status: Approve with Conditions

Formation of motel etc.

Ref. No: DUN/0039/71 | Status: Refuse

Re-siting of Diesel pump

Ref. No: DUN/0438/69 | Status: Approve with Conditions

Site for repair of workshop and sale of cars

Ref. No: DUN/0011/68 | Status: Refuse

Re-siting of existing storage building

Ref. No: DUN/0020/68 | Status: Approve with Conditions

Installation of petrol tank

Ref. No: DUN/0596/67 | Status: Unconditional Approval

Installation of diesel tank

Ref. No: DUN/0154/63 | Status: Unconditional Approval

Erection of small storage building

Ref. No: DUN/0481/60 | Status: Unconditional Approval

Construction of Cafe

Ref. No: DUN/0241/58 | Status: Unconditional Approval

Petrol filling station

Ref. No: DUN/0079/55 | Status: Approve with Conditions

Extension

Ref. No: DUN/0040/50 | Status: Approve with Conditions

REPRESENTATION 8: Springfields Planning & Development Limited (contd.)

Appendix 3 – Decision Notice UTT17/2480/OP



UTTLESFORD DISTRICT COUNCIL

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Telephone (01799) 510510, Fax (01799) 510550
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Dated: 28 November 2017

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Application Number: UTT/17/2480/OP
Applicant: Mr K Newnham

Uttlesford District Council Grants Permission for:

Outline application, with all matters reserved except for access, to demolish all buildings and remove commercial uses (cars sales and airport parking etc) and construct residential development of up to 9 dwellings at Sabre House Dunmow Road Stebbing CM6 3LF

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
2017-888-001	Location Plan	25/08/2017
2017-888-004	Combined	25/08/2017
2017-888-002	Block Plan	25/08/2017

Permission is granted with the following conditions:

- 1 Approval of the details of layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

-
- 3 The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 All new/modified vehicular access points shall be constructed at right angles to the highway.

REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5 Prior to occupation of any of the proposed dwellings, the proposed vehicular accesses shall be provided with appropriate dropped kerb crossings of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6 The existing vehicular access which serves the existing bungalow on the site as shown on Topographical Survey drwg. No. 1705-187 01 dated May 2017 shall be permanently sealed off to the satisfaction of the Local Planning Authority in writing prior to occupation of any dwellings.

REASON: To ensure that the development does not prejudice the free movement of traffic moving along the highway as a result of the development in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with ULP Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 8 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within two months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within [2] days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 8. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition ENV3.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 10 All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

- 11 The reserved matters submission shall be accompanied by a scheme of sound insulation measures which shall be approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of any dwelling hereby permitted.

REASON: The site lies next to a main road where appropriate noise mitigation and sound proofing to noise sensitive development is required to prevent loss of amenity for future occupants in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

- 12 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 13 No development or preliminary groundworks shall commence at the site until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork as detailed in the mitigation strategy which has been signed off by the local planning authority through its historic environment advisors.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 14 The applicant shall submit to the local planning authority a post-excavation assessment to be submitted within three months of the completion of fieldwork unless otherwise agreed in advance with the Planning Authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 15 The existing dwelling on the site shall be demolished and all the materials arising from such demolition shall be completely removed from the site within one month of the completion of any new dwellings constructed.

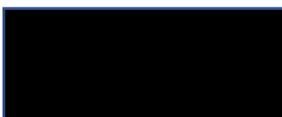
REASON: To avoid over-development of the site in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 16 The shared private drive access on the west side of the site as shown on indicative drawing 2017-888-002 should have a width of 5.5 metres for at least the first 6 metres from the back edge of the carriageway. The main access on the east of the site as shown should have a width of 6 metres (to reflect the emerging road types) with a radii of 10 metres. Footways should be provided around each side of the radii, tempering into a straight section of the shared surface.

REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
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Gordon Glenday
Assistant Director Planning

Notes:

- 1 * This permission does not incorporate Listed Building Consent unless specifically stated.
* The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.* The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.* The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).* It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.* Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.* Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people. * If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority. * Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river. * If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.* Working in close proximity to live overhead lines:The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at <http://www.ukpowernetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines"UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.Appeals to the Secretary of Stateo If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.o As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.o If an enforcement notice is served

relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.o As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.o

As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.o As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.o If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.o Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.o The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.o The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- 2 The local planning authority has worked with the applicant in a positive and proactive manner in determining this application.
- 3 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Essex County Council on 0845 603 7631
- 4 With regard to Condition 10 of this permission, further guidance is available in the Council's adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

REPRESENTATION 8: Springfields Planning & Development Limited (contd.)

Appendix 4 – Report to Planning Committee 04.08.2021

Agenda Item 6

UTT/21/0333/OP (Stebbing)

PROPOSAL:	Outline application with all matters reserved except for access to demolish all buildings and remove commercial uses (car sales and airport parking etc.) and construct residential development of up to 9 dwellings.
LOCATION:	Sabre House, Dunmow Road, Stebbing, CM6 3LF.
APPLICANT:	Mr K Newnham.
AGENT:	Sue Bell.
EXPIRY DATE:	30 March 2021 (extension of time agreed to 13 August 2021).
CASE OFFICER:	Clive Theobald.

1. NOTATION

- 1.1 Outside Development Limits / General Aerodrome Direction.

2. DESCRIPTION OF SITE

- 2.1 The site is located on the north side of the B1256 Dunmow Road, equidistant between Great Dunmow and Braintree, and comprises an enclosed commercial yard with a stated area of 0.44 ha and also an older style frontage bungalow (Sabre House) situated to the western side. A single storey building used as a car sales office stands behind a frontage hardstanding apron behind the main vehicular entrance, whilst two other buildings stand behind this which are used for workshop and office purposes. The site also contains three smaller outbuildings. The frontage hardstanding apron is used for car sales, whilst an extension of the apron to the rear leading down the eastern side of the frontage building is used for airport parking where this use has resumed following the Covid pandemic. Open undeveloped land exists beyond this parking area to the rear of the site extending to Stebbing Green.
- 2.2 The site frontage is enclosed by 2m high close boarded fencing between the vehicular access points, whilst the site is screened along both of its flank boundaries by mature hedging and trees with arable land beyond on either side. The site is open to bare grassland beyond its rear boundary, although further vegetation screening exists to the north of this.

3. PROPOSAL

- 3.1 This renewal outline application without change seeks planning permission in principle for the demolition of all existing structures on the site, including the existing bungalow, the cessation of all commercial uses and the erection of up to 9 dwellings with associated parking with the matter of Access to be considered at outline stage.
- 3.2 An indicative site layout has been submitted with the application which shows how nine dwellings could be accommodated on the site and which shows a mix between detached dwellings positioned around the perimeter of the site and a terrace of three dwellings positioned within the centre of the site with improved vehicular access. An indicative streetscene drawing has also been submitted which shows mixed house types at 1½ storey scale.

- 3.3 The indicative site layout is shown with the following bedroom sizes, garage spaces and private amenity areas:

Plot	Bedrooms	Garage spaces	Amenity area
Plot 1	5	4	250 sqm
Plot 2	4	4	150 sqm
Plot 3	4	4	190 sqm
Plot 4	3/4	3	110 sqm
Plot 5	3	2	100 sqm
Plot 6	2	2	70 sqm
Plot 7	3	2	100 sqm
Plot 8	3/4	3	200 sqm
Plot 9	4	3	120 sqm

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal has been considered against the criteria set out under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 relating to "Infrastructure Projects" (Section 10 (b) – Urban development project) and is not EIA development.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by an updated Planning Statement incorporating Design and Access Statement which makes the following comments at paragraph 2.07 relating to temporary planning application procedures reflecting the Covid pandemic in respect of the current outline renewal submission submitted on 2 February 2021;

"It is notable that the government has extended the period for planning permissions. The MHCLG 22 July 2020, Extension of certain planning permissions states that under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval. Therefore, although permission ref: UTT/17/2480/OP would have expired in 28 November 2020, the expiry date has been extended to 1 May 2021".

- 5.2 The updated statement concludes as follows:

"The site is brownfield containing buildings which in part is unrestricted in its use and confirmed as lawful by an LDC. The lack of planning control through the absence of planning conditions makes this prevailing use not environmentally appropriate nor logically the best location for such uses. The proposal for residential redevelopment has been proven to accord with the definition of sustainable development in 2017 where the approval remains extant. The most compelling current argument in favour of the development is the lack of housing land, where this site can contribute to housing units in the area in a reasonably accessible location where such development would not be uncharacteristic of that of a rural area. As there is proven to be no other harms, especially as the 2017 approval for dwellings on the site is extant, Para 11d) is invoked and permission should be

granted again for the 9 no. houses as the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole”.

6. RELEVANT SITE HISTORY

- 6.1 The site has a detailed planning history primarily relating to commercial use leading back to when the site was a petrol filling station and café with associated bungalow (Unity garage/café) until its closure in the 1990's and its partial redevelopment for B1/B2 uses, its subsequent use by Sabre Sports (engineering firm) and now the current mixed commercial uses of the site comprising airport parking and car sales.
- 6.2 The most relevant planning applications to the current application proposal are as follows:
- UTT/0418/04/FUL: Erection of two storey detached dwelling and garage (Sabre House) – Approved 01.10.2004 (subject to occupancy condition) – works commenced on this approved development (garage concrete base).
 - UTT/1080/05/FUL: Removal of restrictive condition to allow use of commercial buildings for any B1 use other than by Sabre Sports – Approved.
 - UTT/0988/11/CLE: Certificate of lawfulness for existing airport related parking (Sabre House) – Approved.
 - UTT/17/0365/FUL: Retention of change of use of land and associated office building to car sales (Nationwide Car Buyers - NWCB Ltd) with retention of access to airport parking to the rear of the site – Approved 12 April 2017.
 - UTT/17/2480/OP: Outline application with all matters reserved except for access to demolish all buildings and remove commercial uses (car sales and airport parking etc.) and construct residential development of up to 9 dwellings – Approved 28 November 2017. Permission not implemented.
- 6.3 The committee report for approved application UTT/17/2480/OP above drew the following conclusions in respect of the planning merits of the submitted “up to” nine dwelling proposal:
- The principle of housing development at this previously developed site located outside development limits is considered acceptable given the site's good transport access links, notwithstanding the lack of a bus service along this section of the B1256, and as the NPPF encourages the use of brownfield sites for housing purposes. Housing development would make more efficient use of the land and would lead to an environmental gain for the site whereby the proposal on balance would represent a presumption in favour of sustainable development.
 - The development would utilise existing vehicular access points from the B1256 and would have a 5.5m wide internal service road which are considered acceptable in highway terms.
 - The indicative site layout scheme shows that a housing development of up to 9 no. dwellings could be successfully accommodated at the site, although the number of dwellings shown for the scheme may need to be reduced in number at reserved matters stage to overcome potential intra-amenity issues

such as back-to-back distances.

- The housing mix comprising a mixture of 2, 3, 4 and 4+ bed housing units shown spread across the development is considered to be acceptable in principle.
- The submitted scheme does not trigger the need for affordable housing.
- There would be no issues arising for protected/priority species given the low habitat value of the site.
- Further investigations are recommended to identify contamination risks to future users of the site and where necessary remedial measures to ensure that the site is suitable for the end user.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy H1 – Housing Development
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy ENV4 - Archaeology
ULP Policy ENV10 – Noise Sensitive Development
ULP Policy ENV14 – Contaminated Land
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD "Accessible Homes and Playspace"

National Policies

National Planning Policy Framework (NPPF) (amended February 2019)

Other Material Considerations

Essex Design Guide
ECC Parking Standards – Design and Good Practice (September 2009)
Uttlesford District Council Parking Standards (February 2013)

Draft Stebbing Neighbourhood Plan - The draft NP has gone through its first consultation stage (Reg 14) and is now at its second stage for public consultation (Reg 16) whereby this consultation process commenced on 19 July 2021 and will end on 13 September 2021. After this Reg 16 consultation, the LPA will then submit the NP and any representations received to an Independent Examiner for independent review (Reg 17 stage). When the LPA receives the Examiner's Report, it will decide what action to take on the report, i.e. either to accept or reject the Examiner's recommendations.

8. PARISH COUNCIL COMMENTS

- 8.1
- Stebbing Parish Council object to this planning application and consider it should not be granted automatic permission following the 2017 approved application.
 - Referring to the Stebbing draft Neighbourhood Plan, this proposal is outside village development limits and not within walking distance of the village centre. It has limited access to amenities for daily use thereby needing use of a car for every journey.
 - We consider the development to be too close to the B1256 and within close proximity of the A120 giving rise to concern for noise and air pollution.
 - The site is situated on a very busy and fast stretch of road. Exiting the site onto a fast carriageway could prove fatal.
 - We also have concern there could be land contamination on the site following its history as a brownfield site.

9. CONSULTATIONS

Highways England

- 9.1 We have reviewed the details and information provided. Due to the nature/location of the above planning application, there is unlikely to be any adverse effect upon the Strategic Road Network. Consequently, our previous recommendation of No Objection remains unchanged.

ECC Archaeology

- 9.2 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation.

ECC Ecology

- 9.3 No objections subject to biodiversity mitigation and enhancement conditions.

Environmental Health

- 9.4 I have reviewed the details and information provided within the application and note that the application is a renewal of planning permission UTT/17/2480/OP. Consequently, our previous recommendations remain unchanged and I attach a copy of these with recommended conditions.

10. REPRESENTATIONS

- 10.1 1 representation received. Neighbour notification period expires 04.03.2021. Advertisement (N/a). Site Notice expires 04.03.2021.
- The application should be rejected as many of our previous objections to the earlier application still exist.
 - The increase from one approved dwelling plus one commercial building to nine dwellings would constitute a significant and unwarranted increase in development of the site.
 - The site is in close proximity to Stebbing Green, one of very few significant public access greens in this part of Uttlesford which needs careful protection from possible encroachment.

- There would be significant problems with exiting from this proposed development site.
- No local services or facilities currently exist within several miles to serve the development.
- The developers may be wishing to extend such a scheme in the future.

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (NPPF, ULP Policies E2, H1, S7 and GEN3);
- B Access (ULP Policy GEN1);
- C Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10);
- D Housing Mix (ULP Policy H10);
- E Affordable Housing (ULP Policy H9);
- F Impact on protected/priority species (ULP Policy GEN7);
- G Contaminated Land (ULP Policy ENV14).

A Principle of development (NPPF, ULP Policies H1, S7 and GEN3)

- 11.1 The NPPF has at its core a presumption in favour of sustainable development and identifies three dimensions of sustainability, namely economic, social and environmental, which, when considered together will demonstrate by their roles the extent to which development proposals may be described as representing sustainable development. Other relevant sections of the Framework include the need to deliver a wide choice of housing and the need to make the most effective use of brownfield land within sustainable locations.
- 11.2 The site comprises previously developed land (brownfield) by reason of its former and current commercial uses containing a number of modern workshop and other buildings so related. In addition, the land is being used for airport parking under the grant of a lawful use certificate for the rear section of the site and also for car sales granted planning permission in 2017 for the front section of the site. As such, the uses which are being conducted at the site have lawful planning status.
- 11.3 The site sits on a plateau before the Stebbing Brook valley further to the west. The site has a rather utilitarian appearance, although is reasonably screened from the front and sides and from further to the rear. Whilst the site provides for some employment, the site is not a protected employment site within the adopted local plan given its rural location and the nature of B1/B2 uses conducted. Indeed, the airport parking use would not be an activity which would be condoned by the Council at this off-airport location, whilst the car sales use was subsequently granted planning permission by the Council when it was considered that there was no discernible difference on the ground between the two uses, whilst the frontage building housing the car sales office already existed at the site. As such, the loss of the present commercial uses at the site would not be contrary to ULP Policy E2 whereby this employment loss would not be significant and where in any event the Council would not be able to control the actions of the applicant over his tenants as a landlord.
- 11.4 In terms of assessment against the three strands of sustainable development, the proposal would provide employment for the duration of the construction of the development (economic). With regard to the social strand, the site is not on a bus route whereby the hourly Stansted Airport to Colchester bus service (133) runs through Felsted village on the "Felsted loop" instead, as does the No.16

Wethersfield to Chelmsford route. As such, the residents of the development would not be able to rely upon public transport within walking distance of bus stops. That said, the site is situated on the B1256 running parallel with the A120 with convenient vehicular access by car to both Great Dunmow and Braintree and also Stebbing and Felsted villages, whilst the provision of housing on the site would support local services, such as Stebbing primary school and the village shop. In terms of environmental impacts, the site has a commercial appearance that can be described as being rather unsightly and out of context with its immediate rural environs, whilst the bungalow on the site which is understood to be connected with the site's historical use is now ageing and is "of its time".

- 11.5 As such, it is considered that there would be environmental gains associated with the proposed demolition of the existing buildings and cessation of the current surface car parking uses at the site and their replacement with a sensitively designed and scaled housing scheme at low density for which renewal of outline planning permission is sought in principle, where it should be noted that the dwelling previously approved at the rear of the site under the extant 2004 planning approval can be completed at any time following a previous lawful commencement of the development.
- 11.6 Policy S7 of the adopted Local Plan states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that there will be strict control on new building. As such, the submitted proposal is contrary to this policy. However, the Ann Skippers NPPF Compatibility Report has assessed that Policy S7 as a protective local policy is partially consistent with the more proactive stance taken towards development in rural areas within the NPPF providing that such development can be shown to be sustainable. In this context, it is argued that Policy S7 would have more policy weight were it the case that the site was a greenfield site. However, as previously mentioned, this is not the case and the force to be applied to Policy S7 must be weighed against the NPPF's encouragement of redevelopment of brownfield sites, particularly in light of the government's current renewed drive for brownfield land to be developed for housing purposes before greenfield, and in view of the Council's vulnerability of not currently being able to demonstrate a five year housing supply where the Council's figure currently stands at 3.11 years as at April 2020.
- 11.7 The site is included within Flood Zone 1 as shown on the government's fluvial flood risk map, which represents the lowest risk of flooding. As such, the site is not within an area vulnerable to flooding whereby it is not necessary for the application to be accompanied by a Flood Risk Assessment (FRA). Accordingly, the proposal is not contrary to ULP Policy GEN3.
- 11.8 Given the above evaluation of the planning merits for this renewal application without change, it is considered that the redevelopment of this brownfield site containing prevailing lawful car related uses for alternative housing purposes as proposed continues to be acceptable in principle when assessed against national planning policy and relevant local plan policy representing a tilted balance in favour of the presumption of sustainable development when the economic and housing benefits are balanced against any adverse environmental and other effects, which are considered not to be significant, taking into account the brownfield status of the land (Paragraph 11 (d) of the Framework).
- 11.9 Due consideration has been given to the current status of the emerging Stebbing Neighbourhood Plan which requires housing sites within the parish to be identified

and allocated. Whilst it is acknowledged that the housing scheme the subject of the current renewal application would not be one of the housing allocation sites, the Plan has limited weight and status at the present time whereby it is currently at Reg. 16 stage submitted to UDC for public consultation which is due to end on 13 September 2021 having not yet reached independent review stage to test its soundness and robustness.

B Access (ULP Policy GEN1)

- 11.10 Access falls to be considered with the current renewal outline application without change. In terms of existing highway arrangements, there is evidence of three vehicular entrance points into the site, to include the bungalow which stands onto the site's western flank boundary stemming from when the site was a petrol filling station and cafe, although only one access point is now used.
- 11.11 The submitted outline scheme shows the retention of the currently used vehicular access point leading into the site from the B1256 with improved bellmouth, with the other access points, including the one leading to the bungalow (to be demolished) being sealed off.
- 11.12 Highways England have been consulted on the application who have not raised any highway objections to the proposal on strategic highway grounds in relation to the adjacent A120. The indicative site layout shows a 5.5m shared internal access road with rear turning head. It has been demonstrated that the site has good visibility from the proposed access points in each direction along the B1256, notwithstanding that the national speed limit applies to the site. In terms of comparative trip analysis, whilst the application is not accompanied by a traffic survey or trip analysis assessment, the accompanying planning supporting statement argues that the daily/weekly traffic movements at the site as a result of the proposed housing development are likely to be lower than the present commercial movements at the site, particularly when the car sales use and airport parking use (both fluctuating activities) are taken into account.
- 11.13 ECC Highways have been consulted on the application who have not raised any highway objections to the proposal subject to the imposition of normal highway conditions where they have commented in their formal highway response that the 9 no. dwellings proposed compared to the lawful uses of the site is expected to have an inconsequential net impact on the highway network. No highway objections are therefore raised under ULP Policy GEN1.

C Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10)

- 11.14 Matters concerning design are reserved matters and do not fall to be considered for the current renewal outline application. Furthermore, and importantly, it should be noted that the application proposal is submitted for a quantum of up to nine dwellings, rather than a prescribed number whereby any subsequent reserved matters application should Members be mindful to approve the current proposal in principle can be for a reduced number of dwellings. As such, any assessment at this outline stage would be to show whether the site in indicative form is capable of accommodating up to nine dwellings against adopted parking standards and advisory garden amenity standards where the indicative site layout shows this maximum number for consideration.
- 11.15 The indicative site layout shows a mix of dwelling sizes comprising detached and terraced house types, whilst the indicative streetscene layout shows a mix of

dwelling types where the dwellings are shown at varying 1½ storey heights, although it should be emphasised that this is illustrative of the kind of development which could be provided at the site. All of the dwelling amenity areas are shown at 100sqm or 70sqm for the smaller house type which would comply with minimum rear garden amenity standards as set out within the Essex Design Guide. All of the dwellings (3 and 4 bed) are nominally shown with parking standard compliant on-plot parking space provision, whilst all of the garages are nominally shown with parking standard compliant 7m x 3m bay size and all of the hardstandings are nominally shown at standard compliant 5.5m x 2.9m bay size.

- 11.16 One weakness of the indicative scheme is that rear boundary distances for some of the dwellings fall short of the Essex Design Guide recommended 15m minimum rear boundary distances (for example between Plot 1 and Plot 8 (13m) and between Plots 5, 6 and 7 and Plot 8 (12m) suggesting that nine dwellings for this site may possibly be excessive unless the indicated layout was subsequently changed. However, as mentioned, this application seeks the principle of residential development whereby a reserved matters application would specifically address issues concerning layout, scale and appearance, whilst landscaping measures to reduce the visual impacts of the proposed development within the site's rural context would be addressed at reserved matters stage also. Noise impacts from the B1256 and nearby A120 can be addressed through pre-commencement noise conditions as recommended by the Council's EHO for the application as was the case for approved application UTT/17/2480/OP. No design objections are therefore raised at this outline stage under ULP Policies GEN2, GEN8 and ENV10.

D Housing Mix (ULP Policy H10)

- 11.17 The indicative housing layout is shown with a mixture of 2, 3, 4 and 4+ bed housing units shown spread across the development. This is considered to be an appropriate housing mix for the site at this rural location in terms of lower cost affordable market housing and higher cost family market housing where it would be expected and anticipated that some uplift in value of the site should planning permission be granted for housing in principle would be required to be offset against the cost of decontamination and remediation of the site given its previous use as a petrol filling station. No objections are therefore raised under ULP Policy H10 or the latest published SMHA at this outline stage.

E Affordable Housing (ULP Policy H9)

- 11.18 The development would comprise a maximum of 9 no. dwellings for the site which has a site area of 0.44 ha and therefore less than 0.5 ha (the extant 2004 approval for a dwelling to be built at the rear of the site as shown on the site layout is not included within the site proposal and which would remain). As such, the development would not be subject to any affordable housing requirements under ULP Policy H9 where there has not been any change in central government policy advice or local plan policy to alter the planning assessment of this issue since the granting of UTT/17/2480/OP, whilst the site's location would not it is argued be an appropriate site in any event for on-site affordable housing to be considered. No objections can therefore be reasonably raised to the proposal under ULP Policy H9.

F Impact on protected species (ULP Policy GEN7)

- 11.19 The site contains an older style bungalow, which is still occupied, relatively modern used workshop/office buildings and extensive areas of enclosed hardstanding. An updated ecology report has been submitted by the applicant (Essex Mammal

Surveys, January 2021) which found that the site holds limited ecological value for protected and priority species, including bats, given its mostly built over nature whereby the report has concluded that no further species surveys are required.

- 11.20 ECC Place Services have reviewed the submitted updated ecology report and have concurred with its findings advising that they are satisfied that there is sufficient ecological information available for determination. They have further advised that there is an opportunity to provide ecological net gains for the site given the general absence of ecology habitats and have conditioned these ecology enhancements. No objections are therefore raised under ULP Policy GEN7. It should be noted that the site does not fall within the Zone of Influence for the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

G Contaminated Land (ULP Policy ENV14)

- 11.21 There is a potential for the site to be contaminated in view of the site's brownfield status with historical commercial use as a petrol filling station (former Unity Garage). The applicant has re-submitted a Phase I Geo-environmental Assessment, the conclusions and recommendations of which have been previously accepted by the Council subject to further investigations as recommended in the report being required to identify the risks to future users of the site and where necessary remedial measures to ensure that the site is suitable for the end user in accordance with model conditions to be imposed on any planning permission granted. No objections are therefore raised on this basis as before under ULP Policy ENV14.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The principle of housing development for up to 9 no. dwellings at this commercial brownfield site located outside development limits remains acceptable whereby the proposal would make more efficient use of the land leading to environmental improvements at the site and its immediate environs subject to a sensitively designed and scaled housing scheme being submitted for subsequent approval at reserved matters stage. As such, the proposal would represent a presumption in favour of sustainable development where the housing benefits of the proposal are weighted in favour of the limited environmental harms as identified with approved application UTT/17/2480/OP.
- B No strategic highway or highway safety objections have been raised to the proposal by Highways England or the local highways authority respectively.
- C The indicative site layout scheme submitted for illustrative purposes shows that a housing development of up to 9 no. dwellings could be successfully accommodated at the site, although the number of dwellings shown may need to be reduced in number at any reserved matters stage to overcome potential intra-residential amenity issues.
- D The housing mix for this rural site location comprising a mix of 2, 3, 4 and 4+ bed housing units shown spread across the development is considered acceptable.
- E The submitted scheme does not trigger the need for affordable housing requirements given the size of the site (less than 0.5 ha) and the number of dwellings proposed (up to nine) where this remains the case from approved application UTT/17/2480/OP.

- F ECC Ecology has advised that the development would not be harmful to protected or priority species given current unfavourable site conditions and low habitat value.
- G The conclusions and recommendations of the applicant's submitted Phase I Geoenvironmental Assessment have been accepted by the Council subject to further investigations as recommended in the report being required to identify the risks to future users of the site and where necessary remedial measures to ensure that the site is suitable for the end user in accordance with model procedures for management of land contamination.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. Prior to occupation of any dwelling, the provision of an access formed at right angles to B1256 Dunmow Road, to include, but not limited to: minimum 6 metre carriage-way width with appropriate radii (minimum of 10 metres). Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
5. Any redundant access width shall be suitably and permanently closed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority incorporating the reinstatement to full height of the highway verge/ kerbing immediately the proposed new access is brought into use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 12 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

8. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan (adopted 2005) and the adopted SPD "Accessible Homes and Playspace".

9. Prior to dwelling occupation, all of the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

10. No development or preliminary groundworks shall commence at the site until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork as detailed in the mitigation strategy which has been signed off by the local planning authority through its historic environment advisors. The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted

2005).

Pre-commencement condition justification: To ensure that any underground heritage assets are able to be identified and recorded in the public interest prior to the development commencing.

11. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with ULP Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development is not prejudicial to human health, the environment or protected waters.

12. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within two months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

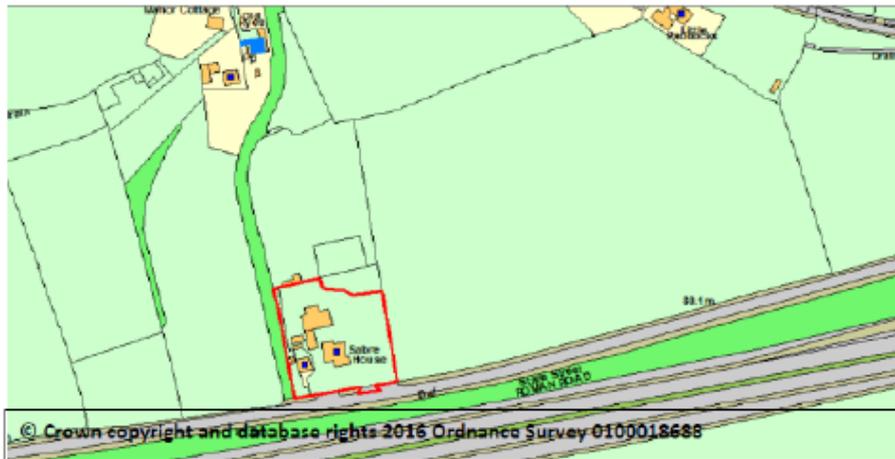
13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within [2] days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition ENV 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition ENV3.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

14. The reserved matters submission shall be accompanied by a scheme of sound insulation, measures which shall be approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be

achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of any dwelling hereby permitted.

REASON: The site lies next to a main road where appropriate noise mitigation and sound proofing to noise sensitive development is required to prevent loss of amenity for future occupants in accordance with ENV10 of the Uttlesford Local Plan (adopted 2005).



Organisation:	Uttlesford District Council
Department:	Planning
Date:	20 th JULY 2021

REPRESENTATION 8: Springfields Planning & Development Limited (contd.)

Appendix 5 – Appeal Statement of Case – Sabre House



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

SITE	Sabre House, Dunmow Road, Stebbing, Essex CM6 3LF
APPLICATION DESCRIPTION	Outline application with all matters reserved except for access to demolish buildings and remove commercial uses (cars sales and airport parking etc) and construct residential development of up to 9 dwellings - renewal of planning permission UTT/17/2480/OP
LPA	Uttlesford District Council
LPA REF	UTT/21/0333/OP
APPELLANT	Mr K. Newnham



APPELLANT'S STATEMENT OF CASE

SEPTEMBER 2021 (Rev A)

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APPENDIX 30	Site and Context Photographs
APPENDIX 31	Extract from Part 1 Brownfield Land Register - Uttlesford DC (Sept 2021)

1.0 INTRODUCTION

- 1.1 This appeal is made by Springfields Planning and Development Ltd on behalf of the appellant, Mr K. Newnham.
- 1.2 The appeal concerns a refusal of planning permission by the Local Planning Authority (LPA) Uttlesford District Council.
- 1.3 Throughout this statement, various appendices are referred to. These are highlighted in bold as Appendix. A full list of appendices is set out IN the contents page of this Statement.

The Planning Application

- 1.4 The planning application (LPA reference: UTT/21/0333/OP) subject of this appeal was validated by the LPA on 4th February 2021. The application description used in the validation letter and decision notice is:

Outline application with all matters reserved except for access to demolish buildings and remove commercial uses (cars sales and airport parking etc) and construct residential development of up to 9 dwellings renewal of planning permission UTT/17/2480/OP

- 1.5 Note that this description is identical to the description used on the planning application form, albeit that the term ‘...demolish all buildings..’ has changed to ‘...demolish buildings..’. The appellants are agreeable to this minor change.
- 1.6 The appeal site address is:

Sabre House, Dunmow Road, Stebbing CM6 3LF
- 1.7 The planning application was submitted with a variety of information (listed at Appeal Questionnaire Response 5b) including plans, reports and other documents.
- 1.8 The Planning Application was submitted in outline, with all matters reserved except for access.
- 1.9 The proposed scheme is explained and justified in the original *Planning Statement incorporating Access Assessment*, January 2021 (NB herein referred to as the ‘PSAA’) which included numerous appendices.

1.10 Further details of the appeal scheme and its justification will be set out in this Statement. However, particular key issues to bring to the inspector's attention are as follows:

- The application sought a renewal of outline planning permission for a housing scheme (with access details), which the LPA itself had originally approved in 2017
- There has been no material change in Development Plan policy, national planning policy or site circumstances since the council's approval in 2017
- The council is unable to demonstrate a 5 Year Housing Land Supply, such that the NPPF's 'Presumption in Favour of Sustainable Development' is engaged
- The site comprises Previously Developed Land (PDL – or 'brownfield land'). The site is listed on Part 1 of the council's Brownfield Land Register (Appendix 31). There are buildings and active commercial uses on site which have an impact upon the countryside
- There are no objections from the highway consultee regarding the access proposal
- Planning Officers of the LPA supported the planning application subject of this appeal. They recommended approval of the proposal but the council's Planning Committee decided to refuse the application contrary to professional advice received

The Decision

1.11 The Planning Application was reported to the Uttlesford Planning Committee on 4th August 2021. The professional planning officers of the council recommended approval of the planning application, subject to planning conditions. The planning officers' *Report to Planning Committee* is found at Appendix 1. Weight can be attached to the council's own professional advice which supported the application, taking in to account Development Plan policy and material considerations including Government Policy in the National Planning Policy Framework (NPPF).

1.12 The summary conclusions from the council's planning officers, which underpinned the recommendation to approve the application, are set out in the Report to Committee as follows:

- a) *The principle of housing development for up to 9 no. dwellings at this commercial brownfield site located outside development limits remains acceptable whereby the proposal would make more efficient use of the land leading to environmental*

improvements at the site and its immediate environs subject to a sensitively designed and scaled housing scheme being submitted for subsequent approval at reserved matters stage. As such, the proposal would represent a presumption in favour of sustainable development where the housing benefits of the proposal are weighted in favour of the limited environmental harms as identified with approved application UTT/17/2480/OP

- b) No strategic highway or highway safety objections have been raised to the proposal by Highways England or the local highways authority respectively*
- c) The indicative site layout scheme submitted for illustrative purposes shows that a housing development of up to 9 no. dwellings could be successfully accommodated at the site, although the number of dwellings shown may need to be reduced in number at any reserved matters stage to overcome potential intra-residential amenity issues*
- d) The housing mix for this rural site location comprising a mix of 2, 3, 4 and 4+ bed housing units shown spread across the development is considered acceptable*
- e) The submitted scheme does not trigger the need for affordable housing requirements given the size of the site (less than 0.5 ha) and the number of dwellings proposed (up to nine) where this remains the case from approved application UTT/17/2480/OP*
- f) ECC Ecology has advised that the development would not be harmful to protected or priority species given current unfavourable site conditions and low habitat value*
- g) The conclusions and recommendations of the applicant's submitted Phase 1 Geoenvironmental Assessment have been accepted by the Council subject to further investigations as recommended in the report being required to identify the risks to future users of the site and where necessary remedial measures to ensure that the site is suitable for the end user in accordance with model procedures for management of land contamination.*

Source - Report to Planning Committee 4th August 2021

- 1.13 Notwithstanding the positive officer recommendation to 'renew' the planning permission previously granted by the LPA, the council's Planning Committee voted by a margin of 7 to 2 to refuse the application.

1.14 The only reason for refusal cited in the Decision Notice is as follows:

The site lies within the countryside beyond development limits for the purposes of the adopted Uttlesford Local Plan (2005). Policy S7 of the adopted Uttlesford Local Plan states that the countryside will be protected for its own sake and that planning permission will only be granted for development that needs to take place there or is appropriate to a rural area. It has not been demonstrated that the proposed development needs to take place at the site or is appropriate to a rural area and would therefore be contrary to this rural constraint policy. Additionally, the site lies within an unsustainable location remote from local services and not served by public transport and the development is therefore contrary to the provisions of the National Planning Policy Framework (revised July 2021) which seeks to promote sustainable forms of housing development.

1.15 This appeal addresses the reason for refusal and will demonstrate why the appeal should be allowed, taking account of Development Plan policy and material considerations.

1.16 The Decision Notice cites which Development Plan policies were used in determining the planning application. Only Policy S7 (Countryside) of the Uttlesford Local Plan (adopted 2005) is cited as the planning policy reason for refusal.

1.17 All other Development Plan policies cited in the Decision Notice are deemed to have been satisfied, or not conflicted with, as no objections by the LPA were raised against them. These include the following Local Plan policies:

- H1 - Housing Development
- H9 - Affordable Housing
- H10 - Housing Mix
- ENV4 - Ancient Monuments and Site of Archaeological Importance
- ENV10 - Noise sensitive development and disturbance from aircraft
- ENV14 - Contaminated Land
- GEN1 - Access
- GEN2 - Design
- GEN3 - Flood Protection
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards

1.18 A review of the on line audio-visual recording of the Uttlesford Planning Committee meeting on 4th August 2021 indicates that, in disagreeing with recommendations from their own professional officers, councillors of the Planning Committee paid very little attention to the council's housing land supply, the benefits of the scheme, the PDL nature of the site, the site's planning history, or whether there had been a 'material' change in circumstances following the previous decision made by the council regarding the identical planning application scheme approved in 2017.

1.19 Page 4 of the Printed Minutes (Appendix 2) of the 4th August 2021 Planning Committee gives brief details of the member debate and the negative approach taken by councillors. The Minutes state, inter alia, the following:

The Planning Officer presented an outline application with all matters reserved, except for access, to demolish all buildings and remove commercial uses (car sales and airport parking etc) and construct residential development of up to 9 dwellings.

The application was recommended for approval with conditions.

In response to questions, officers clarified that the scheme was indicative only and there was no commitment to details such as bedroom sizes or housing mix at this stage in the process. The site had previously received planning permission at committee in 2017, however due to the Covid-19 pandemic, the sale of the land had fallen through, and the permission had not been implemented.

It was confirmed that the land to the rear was owned by the same individual. Currently, the proposed development did not meet the criteria for the requirement to provide affordable housing to be triggered, however, should a further application for housing come forward on the adjacent land, then a contribution to affordable housing would be considered.

During discussion, members raised concerns for the following:

- *The indicative housing mix did not meet the area and District's demand for smaller 2/3-bedroom properties.*
- *The development would result in the loss of employment land, in an area of light industry. Officers clarified that as the land was not a protected employment site, there was no requirement for the freeholder to seek alternative employment options before requesting the change in usage.*

-
- *The site was not in a sustainable location as it was not within walking distance of the village centre, had limited access to amenities and had no access to footpaths or countryside.*
 - *The development would be situated close to the B1256 and closely proximate to the A120, prompting concerns around noise and air pollution.*
 - *The access to the site was dangerous, as it is situated on a busy and fast stretch of road.*
 - *The site was potentially contaminated due to its historic commercial use as a petrol filling station and would therefore require input from the Council's Environmental Health Department to clean it before development could commence.*

Councillor Bagnall proposed that the application be refused on the grounds of unsustainability (policy S7). This was seconded by Councillor Freeman

Resolved: To refuse the application

1.20 It will be noted that the concerns raised by members as cited in the Minutes were not previously considered (ie in the 2017 application approved for the same development as this appeal) to be adverse impacts of a demonstrable or significant nature such that they outweighed the benefits of the proposal.

1.21 The council's consideration of the previous application in 2017 and the decision it made to grant outline planning permission for the same development is highly material to this appeal. For reference the inspector's attention is directed to the following documents:

- Outline Planning Permission dated 28.11.2017 - Application UTT/17/2480/OP (Appendix 3 – including: Part 1, Decision Notice; Part 2, Location Plan; Part 3, Block Plan; Part 4, Streetscene and Layout; Part 5, Site Plan).
- Report to Planning Committee 22.11.2017 - Application UTT/17/2480/OP (Appendix 4) setting out planning officer's recommendation of approval
- Printed Minutes of Planning Committee 22.11.2017 - Application UTT/17/2480/OP (Appendix 5). Please refer to pages 4 and 5.

1.22 Notwithstanding this planning history, it will be seen that the council's decision to refuse the appeal application was inconsistent with its previous decision for an identical application scheme, such decision also taken by Uttlesford DC's Planning Committee, following officer recommendation to approve.

1.23 At the 4th August 2021 Planning Committee, the planning officer gave responses to a number of Member queries, these also being informed by comments provided by the agent in an email dated 3rd August 2021 (included in supplied appeal correspondence). The responses, inter alia, also clarified the unfortunate reasons why the 2017 planning permission had not proceeded to be built out and matters to do with employment.

1.24 The Planning Committee during its debate also raised the issue of the emerging Stebbing Neighbourhood Plan, which at time of submitting this appeal is at Regulation 16 Consultation Stage. The planning officer's report clarified that,

Due consideration has been given to the current status of the emerging Stebbing Neighbourhood Plan which requires housing sites within the parish to be identified and allocated. Whilst it is acknowledged that the housing scheme the subject of the current renewal application would not be one of the housing allocation sites, the Plan has limited weight and status at the present time whereby it is currently at Reg. 16 stage submitted to UDC for public consultation which is due to end on 13 September 2021 having not yet reached independent review stage to test its soundness and robustness.

1.25 At the time of making this appeal, the status of the neighbourhood plan is still as set out by planning officers, except that the end date for consultation has been extended to 28 September 2021 and the appellant is considering making representations. It will be noted that the LPA did not refuse the planning application for reason of any conflict with the emerging neighbourhood plan.

2.0 THE SITE LOCATION

- 2.1 The original planning application documentation sets out information concerning the site's location at paragraph 1.09 (including maps/diagrams) of the PSAA. To avoid repetition, the Inspector is asked to refer to that information in conjunction with the information set out below.
- 2.2 The LPA allege in its decision notice that the appeal site is located "*within an unsustainable location remote from local services and not served by public transport*". The information below will assist the inspector is making judgements about whether the location is in a location "remote" from local services and also regarding the availability of nearby public transport. This matter is discussed later in this Statement, when providing a justification for the appeal scheme.
- 2.3 It is noted that the LPA's decision does *not* allege that the site is 'isolated'.
- 2.4 The inspector is asked to refer to the *Location Map showing nearby settlements and bus stops* (Appendix 6) which indicates reasonably close proximity to various settlements and bus stops.
- 2.5 The site lies off the B1256 (previously the A120, subsequently replaced by the dual carriageway to the south) which is a local road connecting Junction 8 of the M11 (to the west) and Braintree (to the east). The B1256 also connects to the A120 strategic road network, about 1.8 miles east of the appeal site and about 3 miles west. Junction 8 of the M11 (which is reached either via the B1256 or the A120) provides access to the town of Bishops Stortford to the west, London, Harlow and the M25 to the south and Cambridge to the north. These locations will provide significant employment opportunities, as will Braintree to the east and Chelmsford to the south. Of particular note in employment terms is the location of London Stansted Airport located approximately 8 miles west of the appeal site (accessed via the B1256/A120) and Broomfield A&E Regional Hospital located approximately 7 miles to the south, which are amongst the largest employers in Essex.
- 2.6 In terms of larger settlements, Great Dunmow is the nearest town to the appeal site, its town centre lying approximately 3.5 miles west along the B1256, with Bishops Stortford lying 12 miles west reached via the B1256 or (accessed at Great Dunmow) the A120. Braintree lies approximately 4.5 miles east via the B1256 or (accessed at Rayne) the A120. The city of Chelmsford lies circa 10 miles south via the A131 (and its connecting local roads).
- 2.7 There are several villages nearby which provide 'local services' and lie within relatively comfortable cycling distance for an average cyclists, such that *these services are not 'remote'*

from the appeal site as alleged by the LPA. The inspector is requested to review the following plans:

- *Villages south and west of the appeal site showing cycling routes (Appendix 7)*
- *Villages north and east of the appeal site showing cycling routes (Appendix 8)*

2.8 The rural settlements to the south and west of the appeal site include Felsted (3.5km), Flitch Green (3.75km), Little Dunmow (4.25km) and Watch House Green (3.75km+) which provide a large collection of local services. The submitted plan at Appendix 7 shows the cycling routes to these settlements and the approximate cycling distances. Apart from the small stretch of B1256 from the appeal site before turning off south, the routes used to reach these settlements are relatively safe or quiet. Flitch Green, Little Dunmow and Watch House Green are, in part, accessible along the 'Flitch Way' which is a former railway line now used as a national cycle route (ref: NCR16) and is free of vehicular traffic.

2.9 The rural settlements to the north and east of the appeal site include Stebbing (4.25km), Blake End (1.75km-2.25km) and Gransmore Green (3.25km) provide a further collection of local services. The submitted plan at Appendix 8 shows the cycling routes to these settlements and the approximate cycling distances. From the appeal site, after the turn off north from the B1256, the road to the village of Stebbing is relatively lightly trafficked. Blake End is a hamlet which lies further east along the B1256 and also along a rural road heading north from the B1256 and includes a petrol filling station with shop (The Oak), restaurant (Palm Trees) and the sizeable *Blake End Craft Centre* which has various facilities/services.

2.10 A *Summary of Services and Facilities within Cycling Distance of the Appeal Site* is set out in the table at Appendix 9. The inspector is at liberty to verify these services and their proximity from the appeal site. Note that the services set out in the table exclude the significant range of other facilities and services which are available in the nearby towns of Great Dunmow and Braintree, as well as Bishops Stortford and the city of Chelmsford, slightly further afield. The table has focussed on 'rural' settlement services, assisting the vitality of which is an important part of Government planning policy.

2.11 Public transport services (see service details below) are available from the nearest bus stops located to the north, west and east of the site as shown by the red star on the *Location Map showing nearby settlements and bus stops (Appendix 6)*. The bus stops are located as follows:

- 400m north – for the nos. 16 and 417 Bus Services (at Stebbing Green)

-
- 1.9km east – for the no.9, 9A, 16 and 417 Bus Services (outside/opposite the Oak, Blake End)
 - 2.0km east – for the no.16 and 133 Bus Service (Blake End)
 - 2.9km west – for the no 133 Bus Service (Little Dunmow near B1256 junction)

2.12 The nearest bus stop (for the 16 and 417 services) is located circa 400m north of the appeal site at Stebbing Green, which is accessible via an off road informal footpath route which runs to the immediate west side of the appeal site. The footpath starts to the other side of the hedge forming the appeal site's western boundary in a gap before the adjacent field boundary, which is understood to be an unregistered strip of land. The route then runs between houses to the north and along a track, until it reaches the bus stop at Stebbing Green. The footpath route and bus stop is shown on the drawing entitled *Villages north and east of the appeal site showing cycling routes* (Appendix 8). Whilst the footpath link is not defined as public right of way on County Council maps, it is understood to have been used by the general public for many years without challenge, potentially allowing an application for its formal designation to be made. The inspector is invited to walk this route and observe the bus coming through Stebbing Green as per the timetables for the 16 and 417 buses, which will stop at the point marked on the plan should passengers wish to board or alight. The location where the buses stop, next to the end of the footpath/driveway, is shown on the Site and Context photographs at Appendix 30.

2.13 It is therefore incorrect for the LPA in its decision notice to state that the appeal site is "not served by public transport", when there is an available bus stop (including the no.16 bus for a six days/week service to the city of Chelmsford and the no.417 bus schooldays service) located only circa 400m (safe/off road) walking distance from the appeal site.

2.14 The local bus services available are set out below.

No 133 Bus Service (Appendix 10)

A frequent (generally hourly) service, 7 days a week, operating from early in the morning to late at night, serving an east-west route across north Essex, with many stops including:

- London Stansted Airport (coach/railway station)
- Great Dunmow
- Felsted
- Watch House Green
- Braintree

-
- Various smaller settlements eg Little Dunmow, Canfield, Takeley and Rayne
 - Colchester (via change at Braintree)

No. 16 Bus Service (Appendix 11)

A 6 day/week service operating from Monday to Saturday. It is a local north-south route, with various stops such as:

- Broomfield Hospital, Chelmsford
- Chelmsford Retail market
- Chelmsford Bus Station
- Watch House Green
- Felsted
- Various smaller settlements eg Stebbing, Great Bardfield, Wethersfield and Finchingfield

No. 417 Bus Service (Appendix 12)

This is a school day service to local secondary schools in Newport and Saffron Walden, although note that other buses (ie 16 and 133) serve settlements (Dunmow, Braintree and Chelmsford) with secondary schools.

No.9 Bus Service (Appendix 13) and No. 9A Bus Service (Appendix 14)

These buses connect local villages to Braintree, six days a week. There are many regular morning to early evening services Monday to Friday with three departures on Saturdays.

- 2.15 The no. 133 bus service is especially useful to those working at/using Stansted Airport, providing a mostly hourly service with departures starting early in the morning and returning late at night. It is also useful for those accessing employment, retail and leisure opportunities in the nearby towns of Great Dunmow and Braintree.
- 2.16 The times of the no. 16 bus service are particularly suited to commuters to Chelmsford which has huge employment opportunities, both within the city itself and at Broomfield Hospital, a regional Accident and Emergency Hospital (which lies on the no. 16 bus route).
- 2.17 The local buses also serve railway stations at Braintree, Stansted Airport and Chelmsford (for access to London, etc).

3.0 THE APPEAL SITE

- 3.1 The PSAA sets out information concerning the site's description/appearance at paragraphs 1.01 to 1.09 and key planning history at paragraphs 2.01 to 2.07. Again, to avoid repetition, the Inspector is asked to refer to that information in conjunction with the information set out below.
- 3.2 The appeal site measures 0.44ha. It has a width of 67 m and a depth of 56 m increasing to 75 m. Other land in the appellant's control (edged blue on the location plan) is outside of the application site and does not form part of the appeal proposals.
- 3.3 The key points to note in terms of the physical appearance of the appeal site are various uses/buildings, footprints, heights, along with hardstanding areas used for parking, summarised as follows:

Building or Part Of Site	Current Use	Height (m) approx	Building Footprint (sqm) approx
Bungalow ('Sabre House')	Dwelling	up to 5m	81
Office	Office	up to 6m	281
L shaped Barn	<ul style="list-style-type: none"> ➤ Workshop ➤ Lorry Shed ➤ Offices 	up to 7m	380
Hardstanding	Airport related car parking	n/a	n/a
Hardstanding	Car Sales	n/a	n/a
TOTAL (NB - excluding small out and containers)	n/a	n/a	742

- 3.4 As will be seen, there is some 742 sqm 'footprint' of buildings (although floorspace is greater due to upper floor office space in the barn). It will be noted that the appeal scheme proposes 'up to' 9 dwellings and that a typical small 3 bedroom house (or 2 bedroom bungalow) would comprise circa 80 sqm floorspace. Therefore, even if 9 dwellings were proposed under a Reserved Matters

at an average floorspace of 80sqm each (ie 720sqm) *there is potential for a reduction in proposed footprint or floorspace* compared to the existing.

- 3.5 The aerial photographs and existing site plan provided with the original application documents combine to show various outbuildings or containers from time to time, which have not been included in the existing floorspace calculations.
- 3.6 In addition, the site has large areas of hardstanding. These allow for a significant number of parked cars to be parked or stored at the site at all times, which (especially when viewed internally) already have a significant impact on the appearance of this countryside site. These vehicles are mostly stored in connection with the car sales business (this being wholesale car sales to dealerships/companies not to individuals). Twice weekly vehicle transporters deliver cars to the site for storage (see example in the additional *Site and Context Photographs* at Appendix 30).
- 3.7 Furthermore, there is an airport related parking operation (for those who use nearby Stansted Airport). It will be noted that the site lies only 8 miles from London Stansted Airport, where car parking is expensive and as such (part of) the appeal site provides an off airport related car park facility (which is proven lawful as per the Lawful Development Certificate granted in 2011).
- 3.8 It will therefore be apparent from the existing buildings and related land use activity (including small businesses) that the appeal site comprises brownfield land ie Previously Developed Land (PDL). This status is also confirmed in the *Report to Planning Committee*, which states,

The site comprises previously developed land (brownfield) by reason of its former and current commercial uses containing a number of modern workshop and other buildings so related. In addition, the land is being used for airport parking under the grant of a lawful use certificate for the rear section of the site and also for car sales granted planning permission in 2017 for the front section of the site. As such, the uses which are being conducted at the site have lawful planning status.

- 3.9 The appeal site has an extensive planning history. The approved applications confirm the legitimacy of uses carried out. A complete list of planning applications concerning the parcel of land which comprises the appeal site and an adjacent site is set out at Appendix 15, as taken from the LPA's website. The LPA is at liberty to confirm this history in its statement. It will be seen that planning permissions at the site date back to 1950 and that there have been various planning consents for a variety of development and uses including (in no particular order):

- a petrol filling station
- café (which operated as the Unity Café)
- storage buildings
- fuel tanks/pump/compound
- various extensions/alterations to buildings
- illuminated signage
- offices
- workshops
- forecourt and sales facilities
- car sales motel
- fencing
- accesses
- airport related car parking
- new dwelling (adjacent appeal site) and – most importantly –
- redevelopment to create up to 9 dwellings with access

3.10 The PSAA and the *Report to Planning Committee* also set out the most pertinent applications concerning planning history.

3.11 The table below sets out key permissions in recent times:

Application Ref:	Description	Date Approved
UTT/17/2480/OP (Appendix 3)	Outline application with all matters reserved except for access to demolish all buildings and remove commercial uses (car sales and airport parking etc.) and construct residential development of up to 9 dwellings	28.11.2017
UTT/17/0365/FUL (Appendix 16)	Retention of change of use of land and associated office building to car sales (Nationwide Car Buyers - NWCB Ltd) with retention of access to airport parking to the rear of the site	12.04.2017
UTT/0988/11/CLE (Appendix 17)	Certificate of lawfulness for existing airport related parking	18.05.2011
UTT/1080/05/FUL (Appendix 18)	Removal of restrictive condition to allow use of commercial buildings for any B1 use other than by Sabre Sports	16.09.2005
UTT/0418/04/FUL (Appendix 19)	Erection of two storey detached dwelling and garage (subject to occupancy condition) – NB Adjacent Appeal site	01.10.2004

3.12 It will be appreciated from the cumulative site history or age of buildings that the site can legitimately be used for the mixture of uses as previously advised, including residential (bungalow), car sales, (unrestricted) office use, workshop and airport-related parking. This is an important material consideration when considering the principle of development and the access

proposal involved in this appeal. The vast majority of the site is currently occupied by buildings, hardstanding or cars where there is no limit or control on that use with regard to height of storage, periods of use or type of traffic using the site.

- 3.13 Just to the north of (but *outside* the appeal site) there is consent for a two storey dwelling and garage. The slab for the approved garage was implemented (confirmed at paragraph 1.06 of the PSAA and paragraph 6.2 of the *Report to Planning Committee*) and relevant conditions discharged, keeping the consent alive.

Other Key Site Features and Constraints

- 3.14 The site frontage has various individual accesses off the B road. Two accesses are currently in operation, one is used for the bungalow, the other is for all the commercial uses.
- 3.15 Fencing (circa 2m high) encloses the site to the frontage with the B road. Despite this, buildings on the site are visible from the road.
- 3.16 The western and eastern boundaries are formed by established mature hedgerow. The site is not particularly visible on the approach along the B road from the west due to neighbouring mature vegetation which lines the road up to the site boundary. Beyond the appeal site, further north, vegetation also provides screening.
- 3.17 An informal footpath route lies to the immediate west side, which leads to Stebbing Green where the local buses stop (*sic*).
- 3.18 The site lies in Environment Agency Zone 1 and in an area with low probability of flood risk as confirmed by reference to the Environment Agency's records.
- 3.19 The site has potential on-site sources of contamination (see next Chapter).
- 3.20 The site does not hold any habitat value for protected species (see next Chapter).
- 3.21 There are no listed buildings or Conservation Area matters to consider.
- 3.22 Details of the site's buildings, car parking, hardstandings, fences, vegetation at the site and screen vegetation on approach to the site are shown in the Site and Context photographs at Appendix 30.

4.0 APPEAL PROPOSALS

- 4.1 The appeal concerns an outline planning application with all matters reserved except for access to demolish buildings and remove commercial uses (cars sales and airport parking etc) and construct a residential development of up to 9 dwellings.
- 4.2 This application was submitted to the LPA as a 'renewal' of planning permission under application reference UTT/17/2480/OP, which the LPA itself had granted in 2017.
- 4.3 As explained at paragraph 2.07 of the PSAA, the original expiry date of the 2017 permission (which was 28 November 2020) was extended automatically under new Government measures (as a result of the Coronavirus Pandemic) such that it lapsed on 1 May 2021. The 'renewal' application subject of this appeal was submitted on 1 February 2021 and validated by the LPA on 4 February 2021. The LPA confirmed in its validation letter that the statutory determination date was 30 March 2021. The statutory target for determination was therefore a full two months before expiry of the (at that time) 'extant' permission. The appellants, when submitting the renewal application, reasonably expected that a decision by the LPA would have been made within the target timescale ie whilst the 2017 permission remained 'extant'.
- 4.4 The appeal scheme proposal is explained at paragraph 4.0 of the PSAA. Of importance to this appeal it is necessary to re-iterate that the outline proposal is merely seeking approval of 'the principle' of a redevelopment of the site (including removal of all buildings/hardstandings) to allow its use for residential development of "up to" 9 dwellings, plus a means of access.
- 4.5 Illustrative plans have been submitted to show merely one potential option of how nine dwellings could be successfully accommodated at the site complete with roads access, parking, gardens and landscaping. The plans shows a mixture of sizes of properties including detached, semi-detached and terraced housing, whereby these may have differing requirements eg for garden areas, parking, etc. The eventual developer will propose a detailed scheme at reserved matters to comply with planning requirements. Furthermore, it would be up to that developer to apply for any number of dwellings up to 9 in number, at which stage the LPA would need to assess any such reserved matters submission against prevailing planning policy. Paragraphs 11.11 and 11.12 of the *Report to Planning Committee* also confirm this matter and the general acceptability of the illustrative layout submitted.

4.6 The illustrative street scene drawing shows a potentially pleasant appearance of dwellings facing the B1256. This can be compared to the limited quality of appearance of the site as exists, including a 'tired' bungalow, commercial buildings, car parking areas and fencing.

4.7 The appeal scheme also applies for an access, which would be direct from the B1256 to include a shared surface road leading off an access from the B1256 with radii design. The site already has several (used or unused) and long established vehicular accesses to its frontage. Only one access would be used for the development. The site has good visibility from the proposed access points in each direction, given the virtually straight nature of the B1256, as confirmed in the *Report to Planning Committee (Appendix 1)* at Paragraph 11.12. Highways England as a Statutory Consultee raised no objections to the access proposal. No comments from Essex County Council as local highway authority were received at application stage, although they were consulted on the original 2017 application and did not object at that stage (see PSAA documentation).

4.8 The application was also submitted with:

- a Geoenvironmental Assessment which considered matters of contamination
- a Topographical Survey showing site buildings, ground levels and other features such as landscaping, oil tanks, concrete slab bases and hardstandings
- an Ecological Survey and Assessment (and biodiversity checklist) reviewing ecological matters

4.9 The Geoenvironmental assessment noted risks from potential on-site sources of contamination, such as asbestos, below ground fuel tanks, oil spillage, etc. However, it concluded that on the basis of the available information the site is considered suitable for a residential end use provided no unacceptable levels of contamination are identified or, if present, the risk is reduced to an acceptable level by remediation. Essentially, site redevelopment has the potential to 'clean up' the site for the benefit of the environment. This is a material consideration.

4.10 Based on the Ecological Survey and Assessment, the site does not hold any habitat value for protected species and as such no specific surveys were submitted. Section 10 of the document made recommendations for reasonable biodiversity enhancements.

4.11 The application scheme did not attract objections from any technical consultees (some recommending conditions), these being:

- Highways England
- Ecological Consultee (Place Services)
- Archaeological Consultee (Place Services)
- UK Power Networks
- Uttlesford DC Environmental Health Officer

4.12 Given the above, it is clear that there are no 'technical' objections to the proposed development. Indeed none were listed in the LPA's decision notice.

5.0 DEVELOPMENT PLAN POLICY

- 5.1 The appeal falls to be determined subject to the provisions of Section 38(6) of the Planning & Compulsory Purchase Act 2004. This requires that the determination of an application for planning permission must be made in accordance with the development plan unless ‘material considerations’ indicate otherwise. This approach is reiterated at Paragraph 47 of the National Planning Policy Framework (NPPF/The Framework).
- 5.2 This Chapter therefore considers the adopted Local Plan. It also comments briefly on the emerging Local Plan and emerging Neighbourhood Plan.

Uttlesford Local Plan (‘the Local Plan’) adopted 2005

- 5.3 The Local Plan is the relevant Development Plan in this appeal.
- 5.4 It was adopted by Uttlesford District Council on 20th January 2005 and covers the period to 2011. The Council made an application in July 2007 to ‘save’ the policies in the Uttlesford District Local Plan. The Secretary of State’s direction in respect of this request was received in December 2007. All the policies except two, which relate to completed development sites in Takeley, have been saved.

Local Plan Housing Policy

- 5.5 The Local Plan was predicated on the basis of the housing requirements contained in the Essex and Southend on Sea Replacement Structure Plan 2001. The Structure Plan was extant at the time of adoption of the Local Plan but has ceased to be part of the Development Plan. It was largely replaced by The East of England Plan 2008 (Regional Spatial Strategy 14) with more up to date housing requirements (backdated to 2001). However, the East of England Plan was itself revoked in January 2013. The Local Plan - including its housing strategy - is therefore founded upon strategic planning policy documents which no longer exist and were formulated prior to The Framework (2012), as now amended in 2021.
- 5.6 There is no ‘up to date’ housing requirement in the adopted Local Plan, simply because its housing requirements are based upon the long since revoked Structure Plan. The Local Plan at Policy H1 (which concerns Housing Development) confirms that,

“the Local Plan proposes 5052 dwellings for the period 2000 to 2011..”

- 5.7 The adopted Local Plan therefore only has a time horizon for providing housing until 2011.
- 5.8 The LPA is unable to demonstrate a 5 year housing land supply. Housing supply issues are examined later in this appeal Statement as they provide support for the appeal proposals.
- 5.9 Policy H1 is a Housing Supply policy and thus is a 'most important' policy (in terms of NPPF Paragraph 11) concerning this appeal given that the proposal concerns new housing. However, the policy should be treated as 'out of date' or 'not up to date', due to the time horizon of the Local Plan housing allocations and the inadequate housing land supply situation in Uttlesford.
- 5.10 The LPA itself recognises within its *Local Plan NPPF Compatibility Assessment July 2012* (Appendix 21) that Policy H1 (Appendix 20) is "not consistent" with the NPPF (2012 version).
- 5.11 Furthermore, when considering application UTT/17/2480/OP, the LPA also recognised at that time (November 2017) that "Policy H1 has little if any force" in view of the shortfall in housing supply, as stated at paragraph 11.5 of the Report to Planning Committee dated 22.11.2017 (Appendix 4). Circumstances have not changed since.

Site Designations

- 5.12 The site lies outside of any settlement boundary and is thus defined as Countryside within the Local Plan 2005 Proposals Map to which Policy S7 (Countryside) of the Local Plan applies. This is the only development plan policy which the LPA has cited in refusing the application.

Policy S7

- 5.13 The appeal site is within a 'Rural Restraint Area' as described at para 2.2.8 of the Local Plan one of several areas of countryside restraint Policy S7 (Appendix 20) confirms the restraint that applies as set out below:

Policy S7

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in

accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

- 5.14 Policy S7 is aimed at preventing most forms of new development from occurring in 'Countryside' location, because of its 'protectionist' approach. The appellants believe this policy is unduly restrictive and does not reflect Government Policy regarding growth and boosting housing supply.
- 5.15 Also, the supporting paragraph at 2.2.8 explains that any development beyond development limits must be consistent with national policy. National Planning Policy has markedly changed since March 2012 following the inception of the National Planning Policy Framework (NPPF).
- 5.16 For the above reasons Policy S7 is **not up to date**, when compared with national planning policy. The acknowledged lack of compliance with national policy objectives and weight to be afforded to it is addressed in more detail later in this Statement.
- 5.17 The importance to this appeal of the Development Plan policies which are 'not up to date' is also examined later in this Statement.

[Other Policies listed in Decision Notice](#)

- 5.18 The Decision Notice indicates (apart from S7) various other policies were used to determine the application. These policies are set out at Appendix 20. *The LPA has not refused the application against these policies and therefore the development should be deemed compliant (ie not in conflict) with them.* The policies concerned are:
- H1 - Housing Development
 - H9 - Affordable Housing
 - H10 - Housing Mix
 - ENV4 - Ancient Monuments and Site of Archaeological Importance
 - ENV10 - Noise sensitive development and disturbance from aircraft
 - ENV14 - Contaminated Land
 - GEN1 - Access
 - GEN2 - Design
 - GEN3 - Flood Protection

- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards

5.19 The Decision Notice similarly lists a range of non-statutory policies eg Supplementary Planning Documents (SPD's) which were used in determining the application, again which the LPA has raised no objections against. These include:

- Essex Design Guide - Access for Fire Tenders
- Essex Design Guide - Private Amenity Space
- Essex Design Guide - Rear Privacy
- Essex county Council Parking Standards (Design & Good Practice) September 2009
- Uttlesford Local Parking Standards

5.20 Accordingly, the appellants have not found it necessary to comment further on these policies or SPD's in any detail.

Uttlesford Draft Local Plan

5.21 Given the out of date nature of the Local Plan, Uttlesford District Council is embarking on the process of formulating a new Local Plan. There have been two previous attempts at preparing a new Local Plan and each has been withdrawn, meaning the council is significantly delayed in having any up to date planning strategy – including housing delivery – to meet District needs.

5.22 A replacement Local Plan was first withdrawn in January 2015 following a critical report by the Examination Planning Inspector.

5.23 Following this, another replacement Local Plan was subject of an examination in July 2019. The Inspector raised significant issues of soundness.

5.24 The Council had previously attempted to address the inspectors' concerns via submission of additional evidence and suggested main modifications. However, in January 2020, the appointed Inspectors determined that withdrawal of the Plan from examination was likely to be the most appropriate option.

5.25 The Inspectors concluded that fundamental aspects of the Plan were not sound with their primary concerns relating to the deliverability and sustainability of the three proposed Garden Communities. The Inspectors' Report issued in the form of a letter dated 10 January 2020

(Appendix 22) considered, inter alia, that the strategy would leave other sites in the district undeveloped, which would be likely to *‘adversely affect the vitality and viability of services in existing towns and villages and result in a lack of housing choice in the market’* (Paragraph 31). This would result in a *‘worsening affordability problem’* and significantly delay the provision of housing (Paragraph 34). The Inspectors considered that, in order to arrive at a sound strategy, *‘as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year HLS’* (Paragraph 114). Note that the appeal proposals will deliver such scale of development.

- 5.26 The Council agreed to withdraw the Plan at its EGM meeting on 30 April 2020, following a report from officers (Appendix 23). The report also set out at paragraph 19 (concerning Housing Supply) the implications of having no new Local Plan or 5 year housing land supply, stating t,

‘the Council currently does not have a five year housing land supply (5YHLS) and it is unlikely to have a 5YHLS until the adoption of a new Local Plan. Housing development will still happen and the district could be vulnerable to the approval of unplanned, ad-hoc development, which may not deliver the benefits achievable through planned growth in accordance with an up-to-date plan’.

- 5.27 As a result, the Draft Local Plan was withdrawn with effect from 30 April 2020.

- 5.28 A first draft Local Plan is expected to be consulted upon in Spring 2022 (with adoption timetabled for 2024). It may be that at that time this appeal has already been determined. However, if a draft Local Plan has been published then the appellants reserve the right to comment upon its policies, although any weight at such an early stage will likely be limited. The inspector will be aware of advice at Paragraph 48 of the NPPF advises regarding the weight to be applied to emerging Development Plans as follows:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

5.29 It is noted that the council's timetable targets adoption of a new Local Plan by 2024. However, this is contrary to Government Policy issued in the form of a Written Ministerial Statement made on 19 January 2021 by Christopher Pincher, Minister of State for Housing, which states,

'It is critical that work should continue to advance Local Plans through to adoption by the end of 2023 to help ensure that the economy can rebound strongly from the COVID-19 pandemic. Completing Local Plans will help to ensure that we can build back better and continue to deliver the homes that are needed across England.'

Draft Stebbing Neighbourhood Plan

5.30 The LPA has not objected to the proposed development against the emerging Draft Neighbourhood Plan (NP). This is undergoing a Regulation 16 Consultation between 19 July and 26 September 2021.

5.31 The appeal site lies within the Neighbourhood Plan designated area, although the appeal site is not specifically referenced nor shown within any particular policy designation.

5.32 Para 6.8 of the NP comments on brownfield sites, this being pertinent in the case of the PDL status of the appeal site. Para 6.8 states, *"The Steering Group also considered the more recent growth of the village and both existing commitments and applications pending during the preparation of the Plan. It also examined the possibility of development being possible on brownfield sites, but apart from a few small scale opportunities to rebuild or intensify existing residential curtilages, there are no realistic sites likely to come forward in the Plan period."*

5.33 No reference is made in the NP to Sabre House as PDL, or its potential to be redeveloped for housing. Whilst NP Policy STEB9 (Design Principles and Location of New Development) gives policy on "Development within the defined countryside". It notes that *"Priority will be given to new development on Previously Developed Land"* but support for market housing redevelopment appears conditional and limited. It states:

This part of Policy STEB9 provides additional and up-to-date guidance on those sites that are also subject to Strategic Policy S7 - The Countryside of the ULP 2005. In order to protect the intrinsic character of the countryside, support will only be given to proposals that comply with the following categories of development:-

- *Agriculture, horticulture, forestry;*

- *Outdoor recreation;*
- *Other uses which need to be located in the countryside, including infrastructure provision required by a utility company to fulfil their statutory obligation to their customers;*
- *Affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way including some market housing necessary to secure the viable delivery of the affordable homes;*
- *Residential conversion of redundant or disused rural buildings, which will enhance their setting;*
- *Subdivision of an existing dwelling;*
- *Construction of new houses of exceptional design meeting the criteria set in paragraph 79e of the NPPF;*
- *Conversion of the existing buildings and the erection of well-designed new buildings for business uses;*
- *Infilling of small gaps in small groups of houses where development would be in character with its surroundings and with limited impact on the countryside; and*
- *Priority will be given to new development on Previously Developed Land, as defined in Annex 2: Glossary of the NPPF 2019.*

- 5.34 Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination. If the inspector agrees the Neighbourhood Plan is sound it may then (subject to any modifications the inspector deems appropriate) proceed to referendum (Paragraph 37, NPPF). Following a referendum, if over 50% of the public vote in favour, the plan has to then be adopted by LPA at a council meeting.
- 5.35 Given the early stages of the NP and the processes it still has to go through, it currently has little weight under NPPF Paragraph 48 as a material planning consideration in the determination of this appeal. The appellants may also consider making objections to the NP which would affect the consideration of weight to be applied to the emerging NP pursuant to paragraph 48 of the NPPF.
- 5.36 Furthermore, the LPA has not cited the NP as a policy reason for refusal.
- 5.37 Should the status of the NP alter prior to the determination of this appeal, or should there be any material updates, the appellants reserve the right to comment further.

6.0 GOVERNMENT PLANNING POLICY

The National Planning Policy Framework (NPPF)

- 6.1 The NPPF sets out Government planning policy.
- 6.2 Paragraph 2 confirms that the NPPF ‘must be taken into account in preparing the development plan, and is a material consideration in planning decisions’.
- 6.3 At Chapter 2 of the NPPF (Achieving Sustainable Development), Paragraph 7 states ‘the purpose of the planning system is to contribute to the achievement of sustainable development’.
- 6.4 Paragraph 8 advises that:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

- 6.5 Paragraph 10 advises that, ‘so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)’.

6.6 Critical to this appeal, the Paragraph 11 confirms that, '*decisions should apply a presumption in favour of sustainable development*' and goes on to state that '*for decision taking this means:*

'c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

i). the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or

ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. '

6.7 This appeal is not affected by the restrictions listed section 11 d) i) and its footnote (7).

6.8 However footnote (8) is pertinent to this appeal as it concerns housing supply issues. It comments on the policies which are most important for determining the application are out-of-date and states:

'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'

6.9 As will be evidenced in this appeal Statement, the "most important Development Plan policies" in regard to this appeal are out of date:

- In respect of Policy S7 (Countryside), this policy is out of date for several reasons but in particular due to the fact that the LPA cannot demonstrate a five year supply of housing land.
- Policy H1 (Housing) is out of date given that it only made housing allocations to the period 10 years ago ie until 2011 .

6.10 Paragraph 38 sets out the *positive* approach which LPA's should follow in decision making,

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.

6.11 This patently did not occur by the LPA in determining this application. The Minutes of the Planning Committee 04.08. 2021 indicate a negative approach. The LPA took no account of the site already being included on the council's Brownfield Land Register (Uttlesford DC ref: UBLR/17/017) on 12 December 2017, with a stated range of 5-9 dwellings (Appendix 31). Its inclusion means the site is considered *by the council* as suitable for housing.

6.12 Another key part of the NPPF relevant to this appeal (which puts forward a housing scheme) is Government policy at Chapter 5 for 'Delivering a sufficient supply of homes'.

6.13 Paragraph 59 advises of the Government's objective of significantly boosting the supply of homes and the need to avoid unnecessary delay. It states,

'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

6.14 This appeal assists the stated objective.

6.15 Paragraphs 68 to 73 concern 'Identifying land for homes'.

6.16 Paragraph 68 requires planning policies to identify a sufficient supply of sites. This should include a specific, deliverable sites for years one to five year plan period, as well as sites or broad locations for growth in years 6-10 and where possible 11-15 of the plan. The council's adopted Local Plan (2005) only has a time horizon for delivery of housing until 2011, so fails miserably in this respect.

6.17 Paragraph 69 notes that:

‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare..

c) support the development of windfall sites through their policies and decisions..’

6.18 The site is *small-medium scale* and is a *windfall site* so is compliant with NPPF paragraph 69. It is already deemed suitable for residential development as the council has included the site on Part 1 of its Brownfield Land Register (Appendix 31). The planning officer’s comments at paragraph 11.4 of the *Report to Planning Committee* have similar sentiments.

6.19 As will be seen from the Housing Trajectory and 5-Year Land Supply Statement January 2021 (Appendix 24) Uttlesford DC is particularly reliant on windfall developments, noting somewhat ironically that Uttlesford DC have programmed this site to deliver 9 dwellings (windfall site) as part of its 5 year housing land supply. This is set out in the list of sites at page 10 of the document.

6.20 Paragraphs 74-77 concern ‘Maintaining supply and delivery’ of housing. Paragraph 74 states that LPA’s are required to demonstrate a 5 year housing land supply:

‘Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

a) 5% to ensure choice and competition in the market for land; or

b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.’

- 6.21 The LPA is unable to demonstrate a deliverable 5 year housing land supply. The housing supply position is discussed in detail later in this appeal statement.
- 6.22 Housing land supply is a material consideration to this appeal the appellants reserve the right to analyse and comment on any updated material issued by the LPA, particularly should this allege that housing land supply is at 5 years or more. However, given the extent of the housing shortfall, it is thought unlikely that the LPA will be able to demonstrate a 5 Year Housing Land Supply by the time this appeal is determined.

- 6.23 Paragraphs 78-80 concern 'Rural Housing'. Paragraph 78 advises that:

'planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.'

- 6.24 Paragraph 79 states that,

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.'

- 6.25 Paragraph 80 states that planning decision should avoid the development of 'isolated homes in the countryside' unless certain circumstances apply, such as 'c) the development would re-use redundant or disused buildings and enhance its immediate setting'. However, the LPA has not alleged that the appeal site is 'isolated', this to be distinguished from its assertion that the development is 'remote' from local services.

- 6.26 Chapter 6 of the NPPF concerns 'Building a strong, competitive economy'. Paragraph 81 states that,

'significant weight should be placed on the need to support economic growth and productivity'.

- 6.27 There will be economic benefits arising from the construction and subsequent occupation of the appeal site, as set out later in this statement.

- 6.28 Chapter 8 of the NPPF (Promoting health and safe communities) sets out at paragraph 92 that planning decisions '*should aim to achieve healthy, inclusive and safe places..'*

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- 6.29 Chapter 9 of the NPPF concerns ‘Promoting Sustainable Transport’, including public transport. However, Paragraph 105 notes that, *‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’*. This policy is particularly relevant in response to the LPA’s refusal which alleges that the site ‘is not served’ by public transport.
- 6.30 Paragraphs 110-113 of NPPF Chapter 9 give policy on ‘Considering Development Proposals’. Paragraph 110 requires (inter alia) seeks to ensure that *‘a) appropriate opportunities to promote sustainable transport modes can be – or have been - taken up, given the type of development and its location’*; and that *‘b) safe and suitable access to the site can be achieved for all users’*.
- 6.31 In respect of a), measures to encourage the use of local public transport could, if deemed necessary, be secured via planning condition. In respect of b), there are no highway objections from the LPA or statutory consultees to the proposed access.
- 6.32 Paragraph 111 advises that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’*.
- 6.33 Again, the appeal scheme was not refused on highway safety grounds by the LPA. Indeed, vehicular traffic generation from the final scheme could be potentially less than existing.
- 6.34 Chapter 11 of the NPPF is entitled ‘Making effective use of land’. Paragraph 119 states that, *‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’*.
- 6.35 Paragraph 120 explains that planning decisions (inter alia) should,
- ‘c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively’*.

6.36 The NPPF has a clear emphasis on making effective use of PDL land, especially for housing and where environmental improvements (eg contamination remediation) can be realised. This aligns with the appeal site and its proposals.

6.37 Paragraph 121 states that,

‘Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them’.

6.38 Instead of being pro-active in bringing forward this brownfield site for development, the LPA has done the opposite and (in reversing its previous approval for the same scheme) sought to prevent this suitable brownfield site being delivered for housing, notwithstanding housing supply shortages, the site’s inclusion in the council’s 5 year housing trajectory (sic) and the site’s inclusion on the council’s Part 1 Brownfield Land Register (Appendix 31).

6.39 Paragraph 123 is also highly pertinent to this appeal. It states,

‘Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework..’

6.40 Whilst mainly used for employment and commercial uses, the land is not allocated for the same in the Local Plan. Note that Uttlesford’s housing land supply cannot keep up with demand based on the ongoing 5 year land housing land supply shortfalls. The use of the land for housing should therefore be supported, particularly as it is included in the council’s Brownfield Land Register.

6.41 Paragraphs 124-125 concern ‘Achieving Appropriate Densities’. Paragraph 124 states that planning decisions should ‘support development that makes efficient use of land, taking into account,

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

6.42 The amount and density of development is cognisant of this policy, noting the need for different types of housing, viability especially due to potential contamination remediation costs and the potential to bring about improvements to the appearance and character of the site.

6.43 Chapter 12 provides policy concerning ‘Achieving well-designed places’. Paragraph 126 states that, *‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.*

6.44 The illustrative development layout has been carefully conceived and sought to create a ‘good design’ within the parameters of the site. However, final details will be reserved matters and dealt with under a separate process should this appeal be allowed.

6.45 Chapter 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) provides inter alia policies on flood risk. Paragraph 159 advises that, *‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk’.* The site however is in a low risk flood zone (Zone 1) with low probability of flooding.

6.46 Chapter 15 (Conserving and Enhancing the Natural Environment) concerns matters such as flood risk, climate change, landscape impact, agricultural land, contamination biodiversity and geology.

6.47 Paragraph 174 states that:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland..

d) minimising impacts on and providing net gains for biodiversity..

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 6.48 The site does not comprise a 'valued landscape'. It contains some vegetation at boundaries which can be retained in the final layout scheme in recognising the intrinsic character and beauty of the countryside. However, the site currently as developed with a mixture of buildings, uses and external storage/parking is not representative of the intrinsic character and beauty of the countryside. Impacts on biodiversity can be minimised and there is potential to remediate contaminated land.

7.0 ASSESSMENT OF LOCAL PLAN POLICY S7

7.1 The first part of the sole reason for refusal in the Decision Notice essentially concerns conflict with Local Plan Policy S7 (Countryside) which restricts development in a rural area. It states:

The site lies within the countryside beyond development limits for the purposes of the adopted Uttlesford Local Plan (2005). Policy S7 of the adopted Uttlesford Local Plan states that the countryside will be protected for its own sake and that planning permission will only be granted for development that needs to take place there or is appropriate to a rural area. It has not been demonstrated that the proposed development needs to take place at the site or is appropriate to a rural area and would therefore be contrary to this rural constraint policy

7.2 The LPA's refusal against Policy S7, is analysed below against the following headings:

- The Relevance and 'Weight' of Local Plan Policy S7 and Development Limits
- Housing Supply and Impact on Policy S7
- Weight given to Policy S7 by Planning Inspectors
- The Need to Develop Housing in the 'Countryside'

The Relevance and 'Weight' of Local Plan Policy S7 and Development Limits

7.3 For the purposes of the adopted Local Plan, 2005, the site lies in an area is outside of any 'Development Limits' and is therefore treated as 'Countryside' under Policy S7. Given the focus on growth, significantly boosting housing supply and the presumption in favour of sustainable development, as set out in the NPPF, the location of the site in the countryside should not lead to an automatic refusal of planning permission - but this is seemingly the basis of the LPA's decision.

7.4 The LPA has placed undue reliance on the policies of the outdated Local Plan, when weighed against more up to date national planning policy and various material planning considerations. Policy S7 of the Local Plan and strict adherence to 'Development Limits' is not consistent with Government's '*presumption in favour of sustainable development*'. Policy S7 provides no 'explicit' flexibility to recognise that where a development is 'sustainable', for example in environmental, social and economic terms, it will be viewed positively. An up to date Local Plan would include policies which reflect the '*presumption in favour of sustainable development*'. The Uttlesford Local Plan does not.

- 7.5 The LPA has long understood the inconsistency of Policy S7 with the NPPF. In the *Uttlesford Local Plan 2005 - National Planning Policy Framework Compatibility Assessment* by Ann Skippers dated July 2012 (Appendix 21), the report indicates the lack of compatibility of Policy S7 with the NPPF, as follows:

'The protection and enhancement of natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas.'

(NB – appellant's emphasis added).

- 7.6 The appellants agree with this view that Policy S7 is not consistent with the NPPF. Policy S7 (Countryside) is recreated below. Particular elements of this policy are highlighted to show their emphasis on protection and restraint, as follows:

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

(NB - emphasis added by appellant to show non-compliance with NPPF).

- 7.7 From both the appellant's analysis and the council's own Compatibility Assessment (Appendix 21), there is an inconsistency with the NPPF. The phrase *'protecting the countryside for its own sake'* no longer appears in national policy. Such rigid protection and restriction of 'countryside' as set out in Policy S7 is no longer compliant with national policy in this respect. Government emphasis is upon allowing sustainable developments to happen. Sustainable development can occur within countryside areas and indeed the LPA approved an identical application for

residential development at the appeal site in 2017. Circumstances have not materially changed.

7.8 Policy S7 places “*strict control*” on development outside of settlement boundaries. The Local Plan (2005) designates the Development Limits of settlements and applies inflexible housing policies which do not recognise the NPPF’s focus on sustainable development and are therefore inconsistent with the NPPF. The Local Plan remains out of kilter with up to date national planning policy and its focus on sustainable growth. Development Limits can only be appropriate as part of a plan-led system if the document they are part of is up to date, allocates sufficient housing and embraces Government policy that places an emphasis on sustainable development ie the NPPF. The 2005 Local Plan’s slavish adherence to Development Limits is outdated.

7.9 The application of a Development Limits approach with Policy S7 means that development in the countryside cannot ‘normally’ occur under the council’s planning policies, irrespective of whether the proposed development is sustainable taking account of economic, environmental and economic aspects. This approach is not in the spirit of or compliant with Government Policy with its emphasis on sustainable development.

7.10 This is particularly the case when it comes to meeting the challenge of housing provision in rural areas. The Government’s PPG states with regard to Rural Housing, that,

‘People living in rural areas can face particular challenges in terms of housing supply and affordability, while the location of new housing can also be important for the broader sustainability of rural communities...A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness..’

Paragraph: 009 Reference ID: 67-009-20190722; Revision date: 22 07 2019

7.11 Given the above, Policy S7 is an **out of date** policy because parts of it - including the ‘blanket’ restrictions on growth outside settlement boundaries - are not consistent with the NPPF. The ‘weight’ to be given to Policy S7 should therefore be reduced accordingly given its overly restrictive approach, contrary to NPPF policy and the PPG.

7.12 Notwithstanding this, the Inspector can consider that the appeal scheme could in one interpretation be considered in line with that part of Policy S7 which states: “...*planning*

permission will only be given for development that needs to take place there, or is appropriate to a rural area". This is because - in considering whether there are adverse impacts on the character of the rural area - the appeal site is *already developed* with buildings, hard surfaces, external parking and fencing, such that it already has an impact upon the character of the rural area. In this sense the appeal proposals are merely swapping one impact upon the rural area for another. In these circumstances the proposals should be seen as appropriate to the rural area. Furthermore, they will accommodate a land use which is needed (housing) and has to be allowed in the rural area because of the shortage of housing land supply.

- 7.13 It is of note that planning officers of the council acknowledged the deficiencies of Policy S7 at paragraph 11.6 in its *Report to Planning Committee (Appendix 1)*, particularly in the circumstances of the appeal scheme (noting PDL status and housing land supply deficiencies), stating,

'Policy S7 of the adopted Local Plan states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that there will be strict control on new building.

As such, the submitted proposal is contrary to this policy. However, the Ann Skippers NPPF Compatibility Report has assessed that Policy S7 as a protective local policy is partially consistent with the more proactive stance taken towards development in rural areas within the NPPF providing that such development can be shown to be sustainable.

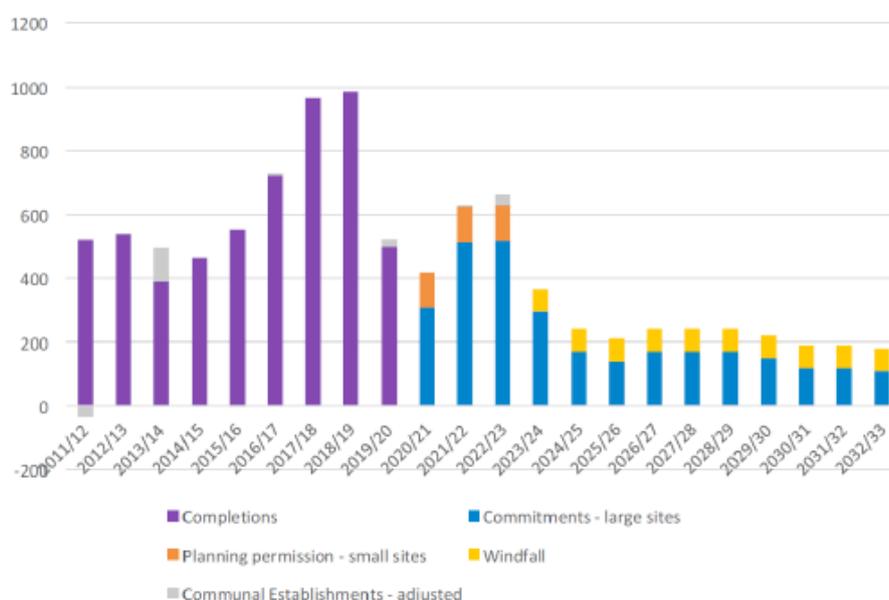
In this context, it is argued that Policy S7 would have more policy weight were it the case that the site was a greenfield site. However, as previously mentioned, this is not the case and the force to be applied to Policy S7 must be weighed against the NPPF's encouragement of redevelopment of brownfield sites, particularly in light of the government's current renewed drive for brownfield land to be developed for housing purposes before greenfield, and in view of the Council's vulnerability of not currently being able to demonstrate a five year housing supply where the Council's figure currently stands at 3.11 years as at April 2020'.

Source: Uttlesford DC - Report to Planning Committee 4 August 2021

Housing Supply and Impact on Policy S7

- 7.14 Under the NPPF, the LPA is required to demonstrate a 5 Year Housing Land supply. If the LPA cannot demonstrate a 5 year housing land supply, this will render Policy S7 as an ‘out of date’ policy under the NPPF’s Presumption in Favour of Sustainable Development (Paragraph 11 and Footnote 8) and therefore reduces the weight which can be applied to it. The current effect of Policy S7 is to restrict housing from occurring when there isn’t enough housing supply. The housing supply position is now briefly assessed, using the LPA’s own data.
- 7.15 The *Report to Planning Committee (Appendix 1)* acknowledges at paragraph 11.6 that the council was unable to demonstrate a 5 year housing land supply, with only 3.11 years housing land supply available. This figure is taken from the council’s *Housing Delivery Test and 5-Year Land Supply Statement January 2021 (Appendix 24)*.
- 7.16 It is also somewhat ironic that the council’s housing 5 Year Housing Land Supply Statement includes the delivery of 9 dwellings at the appeal site (Sabre House) in 2022/23, as set out in the table of sites at page 10 of the council’s (January 2021) document.
- 7.17 The council uses an annual housing supply target of 706 dwellings. When applying the ‘minimal’ (5%) buffer as allowed under the NPPF methodology, the 5 year housing land requirement equates to 3711. The council’s housing land supply over the applicable 5 year period is only 2310 dwellings, leaving a significant housing shortfall of 1402 dwellings (ie 3.11 years).
- 7.18 This should be regarded as a significant shortfall in the number of deliverable housing units. Given the amount of the shortfall, this adds great weight to the planning argument in support of this appeal. That is to say, it is not just that Uttlesford cannot demonstrate sufficient housing land supply, but it is also the scale of shortfall which brings further imperative to approve sustainable housing sites. This matter has to be considered as part of the ‘planning balance’ which is discussed later.
- 7.19 The appellants also wish to point out that Uttlesford District Council has historically had difficulties in meeting its housing targets and is forecasting this to continue for years ahead. Diagram 1 of the *Housing Delivery Test and 5-Year Land Supply Statement January 2021* is recreated below which sets out the parlous state of housing land supply.

Diagram 1 - Housing Completions and Trajectory 2011-2033



Source: Uttlesford DC - Housing Delivery Test and 5-Year Land Supply Statement January 2021

7.20 The council is working to an average annual housing need of 706 dwellings, commencing from 2011. From this it will be seen that the LPA has only exceeded this annual housing target three times in the last nine years ie in the period 2011/12 to 2019/20 ie once in 7 years. From 2020/21 onwards, the LPA effectively needs to play ‘catch up’ to meet housing requirements. However, in the period 2020/21 to 2032/33, no annual completions are forecast to meet the annual target. Unless and until the LPA has a housing strategy in a new Local Plan which makes housing allocations upon deliverable sites, the council is likely to face ongoing housing land supply deficiencies. The council does not timetable adoption of a new Local Plan until 2024.

7.21 The courts have held that the extent of a housing supply shortfall and how long it is likely to endure, the steps the council are taking and the contribution of new housing developments can determine how much weight is given to the benefit of increasing housing supply. In the *Judgement of Phides Estates (Overseas) Limited v SSCLG, Shepway District Council, and David Plumstead [2015] EWHC 827 (Admin)*, the Courts held that:

Paragraph 14 of the NPPF prescribes an approach to decision-making when relevant policies, including "[relevant] policies for the supply of housing", are "out-of-date". It does not, however, prescribe the weight to be given to the ability of a particular

proposal to reduce a shortfall in housing land supply as a benefit to be put in the balance against "any adverse effects". This is a matter for the decision-maker to judge, and the court will not interfere with that judgment except on Wednesbury grounds. Naturally, the weight given to a proposal's benefit in increasing the supply of housing will vary from case to case. It will depend, for example, on the extent of the shortfall, how long the deficit is likely to persist, what steps the authority could readily take to reduce it, and how much of it the development would meet. So the decision-maker must establish not only whether there is a shortfall but also how big it is, and how significant. This will not be possible unless the relevant policies are correctly understood. In this case they were."

(NB - NPPF Paragraph 14 is now found at Paragraph 11 of the 2021 version of the NPPF)

- 7.22 In light of this Judgement, the inspector can give weight to the benefit of housing at the appeal site, noting the housing shortfall is *significant, likely to persist for some time* and that the proposal will help to reduce the shortage.
- 7.23 The above factors help to advance the arguments for delivery of housing at the appeal site.

Weight given to Policy S7 by Planning Inspectors

- 7.24 Planning Inspectors have considered the 'weight' to be applied to Local Plan Policy S7 when determining appeals in Uttlesford for housing development in the countryside ie rural area, outside of development boundaries.. Some recent examples are set out below.

Appeal Decision 3242550 - Land south of Rush Lane, Elsenham (Appendix 25)

- 7.25 In allowing an appeal on 4 September 2020, following a hearing concerning an application for up to 40 dwellings, an inspector was highly critical of the Uttlesford Local Plan in respect of its purpose, strategy, content and housing delivery policies. The inspector, D M Young JP BSc (Hons) MA MRTPI MIHE, stated that,

14. The Development Plan for the District comprises the "Uttlesford Local Plan" 2005 (the LP). This was adopted seven years before the original Framework at a time when there was no requirement to boost significantly the supply of housing, no requirement to identify an Objectively Assessed Need and no presumption in favour of sustainable development. The

LP only covered the period to 2011 and consequently expired nearly ten years ago. As the Appellants point out, the LP has now been out of date for longer than it was in date.

15. As is made clear at the beginning of Section 6 of the LP, one of its key components was to deliver the housing requirements which were based upon those in the “Essex and Southend-on-Sea Structure Plan to 2011” and the “Regional Spatial Strategy for the South East of England”. The LP housing requirements were derived from household projections which are now about three decades out of date. The policies in the LP, including settlement boundaries, allocations, were formulated and predicated upon the constrained supply set out in the Structure Plan. From the evidence I heard, it seems that most, if not all, the allocations in the LP have long since been built out.

16. Based on the foregoing, there can be little doubt that the LP is now painfully out of date in terms of its purpose, its strategy, its content and its housing delivery policies. It does not meet the requirement for the Council to have an up-to-date plan and it is clearly not a strong foundation upon which to refuse planning permission.

18. Although the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 213 states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. It is therefore incumbent on me to apply paragraph 213 which states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan to those in the Framework, the greater the weight that may be given.

19. The first point to make in assessing what weight should be given to Policy S7 is that in seeking to protect all countryside, the policy patently goes some way beyond the advice in paragraph 170(b) of the Framework, which, inter alia, seeks recognition of the intrinsic character and beauty of the countryside. Other than ‘valued landscapes’ the Framework does not seek to protect the countryside outside defined settlements. Instead it advocates a more cost/benefit approach where the merits of the proposal are weighed in the balance. The balancing of harm against benefit is a defining characteristic of the Framework’s overall approach embodied in the presumption in favour of sustainable development. This more positive approach was acknowledged in the Council’s 2012 Compatibility Assessment which found S7 to be partially consistent with the Framework. In light of the above, where Policy S7 is used to restrict housing, it cannot be seen to be consistent with the language of the Framework.

21. From the evidence before me, most notably the Council's Committee Reports pertaining to the appeal scheme and land west of Hall Road, it is evident that the Council has, in some cases, adopted the positive approach advocated by the Framework rather than the strict application of Policies S7 and S8. As numerous large developments have been consented or built within the CPZ in recent years, it is also the case that existing settlement and CPZ boundaries bear little resemblance to the situation on the ground. This is particularly apparent in Elsenham.

22. At the Hearing, the Council accepted that its housing land supply situation would be significantly worse if the Council had applied Policies S7 and S8 in the same manner as it has done in this case. In other words, applying the restraints of Policies S7 and S8 will continue to compromise the Council's ability to meet its future housing requirements. Overall, these matters lead me to conclude that settlement/CPZ boundaries in Uttlesford are not inviolable.

24. Irrespective of how the Council arrived at its decision, its witness accepted that development of greenfield sites in the Countryside and CPZ will be necessary if the Council are to meet its housing targets over the next few years before a new local plan can be prepared and adopted. Whilst I appreciate the Council has met its housing targets in each of the last 3 years, there is little before me to demonstrate whether this represents a fundamental shift or an ephemeral eddy of appeal-based delivery. Given that the Council's witness accepted it does not have a credible short or medium-term strategy for addressing its SYHLS deficit, I suspect the latter.

25. I have carefully considered the appeal decisions brought to my attention by the main parties. These confirm that between 2015 and 2019 Inspectors have come to differing views on the issue of consistency and the subsequent weight to be applied to Policy S7. Most of those decisions preferred by the Council, including the Secretary of State's decision, were made in the context of the Council being able to demonstrate a SYHLS, albeit marginally. There also appears to me to be a general pattern of less weight being ascribed to Policy S7 as the Council's SYHLS has deteriorated.

38. As to whether material considerations indicate that the permission should be allowed, the Framework is one such consideration. In light of the Council's SYHLS position, those policies that are most important for determining the application are to be considered out-of-date. Along with my findings in relation to consistency, this strictly limits the weight I

attach to the conflict with LP Policies S7 and S8. It also engages the default position identified in paragraph 11(d) of the Framework.

7.26 The summary of this decision is that:

- The Local Plan expired in 2011 (10 years ago) and has now been out of date for longer than it was in date
- The Local Plan's housing requirements were derived from household projections which are now about *three decades* out of date
- Most, if not all, the allocations in the Local Plan have long since been built out
- The Local Plan is now "painfully out of date" in terms of its purpose, its strategy, its content and its housing delivery policies
- Policy S7 goes some way beyond the advice in paragraph 170(b) of the Framework
- the Framework does not seek to protect the countryside outside defined settlements
- The NPPF advocates a more cost/benefit approach where the merits of the proposal are weighed in the balance
- the Council has, in some cases, adopted the positive approach advocated by the Framework rather than the strict application of Policies S7
- Settlement boundaries in Uttlesford are not inviolable
- Development of greenfield sites in the Countryside will be necessary if the Council are to meet its housing targets over the next few years
- the Council does not have a credible short or medium-term strategy for addressing its 5YHLS deficit
- There is a general pattern of less weight being ascribed to Policy S7 as the Council's 5YHLS has deteriorated
- Conflict with Policy S7 is of strictly limited weight, given housing land supply deficiencies and inconsistency with NPPF policy

Appeal Decision 3243727 - Land to the south of The Street, Takeley (Appendix 26)

7.27 This appeal concerned a development of 8 dwellings and was allowed on 4 September 2020 by the same inspector who determined the appeal at Rush Lane Elsenham. Therefore, similar comments about Policy S7 were made. Other comments of note are as follows:

The balancing of harm against benefit is a defining characteristic of the Framework's overall approach embodied in the presumption in favour of sustainable development.

Because of this, where Policies S7 and S8 are used to restrict housing, they cannot be seen to be consistent with the language of the Framework. Secondly, at paragraph 170, the Framework advises that decisions should recognise the intrinsic character and beauty of the countryside. In my view the ‘protection’ afforded to the countryside and CPZ in Policies S7 and S8 is not the same as the Framework’s ‘recognition’. Whilst, I accept the two terms are not necessarily inconsistent, there is clearly tension between them.

11. Putting that issue to one side, one has to look at how these policies operate in practice as well as their overall intentions. As I have already set out, one of the primary purposes of the LP and the policies therein was to deliver the housing targets of the old Structure Plan. There has been a significant uplift in the housing requirements for Uttlesford since 2011 which the Council has failed to keep pace with. This failure clearly reduces the weight that can be attached to policies which seek blanket restrictions on housing within certain areas. Put another way, it cannot reasonably be claimed that the settlement boundaries applicable in 2005 are still appropriate today or consistent with the Framework’s objective of boosting significantly the supply of housing.

12. Moreover, given the parlous position Uttlesford finds itself in with its development plan, it is readily apparent that land beyond settlement boundaries will need to be released if the Council is to rectify the current shortfall in housing land supply. Indeed, according to the Appellant, a number of CPZ sites were included as draft allocations in the withdrawn eLP. In such circumstances the settlement boundaries in Uttlesford cannot be seen as inviolable and rigidly applying the restraints of Policies S7 and S8 in the manner the Council has done in this case, will further frustrate its ability to meet its housing targets.

13. Based on the foregoing, and in common with the appeal decisions that the Appellant has brought to my attention, I am attaching very limited weight to Policies S7 and S8. The fact that the appeal site is outside the settlement boundary and in the CPZ is not therefore a determinative factor in this appeal. The issue is rather whether the development would meet the other relevant requirements of the Framework and thus benefit from the presumption in favour of sustainable development.

Appeal Decision 3168869 - Land off Little Walden Road, Saffron Walden (Appendix 27)

- 7.28 This appeal concerned at development of 85 houses in the countryside and was determined on 21 August 2017 following a Public Local Inquiry (PLI). The Inspector, Clive Hughes BA Hons MA DMS MRTPI, who conducted the PLI stated at paragraph 20 that:

The key policy, therefore, in respect of this reason for refusal is Policy S7. UDC's Compatibility Assessment (July 2012) acknowledges that this policy is only "partly consistent" with the Framework. It is more restrictive than the Framework in that it says that in the countryside planning permission will only be granted for development that needs to take place there and that there will be a strict control on new building. As there is no five-year housing land supply and the draft Regulation 18 Plan shows that there will have to be new housing development in the countryside, this policy cannot be considered to be up-to-date. While its aim of protecting the countryside is clearly in line with the Framework, and in particular with paragraph 17 (bullet point 5), overall the policy can only carry limited weight.

Appeal Decision 3166101 - Land West of London Road, Newport (Appendix 28)

- 7.29 This appeal concerned 94 dwellings and mixed uses in the countryside and was determined on 27 October 2017 following a PLI. At paragraphs 75-76 of the appeal decision the Inspector, Kenneth Stone BSc Hons DipTP MRTPI, stated:

The Council has, through its Compatibility Assessment, recognised that policy S7 is only partly consistent with the Framework. However, the Council was clear in its view that this inconsistency does not give support for residential development. I do however see policy S7 as being more restrictive than the Framework in general terms in that it seeks to protect the countryside for its own sake. The Framework does not use the word 'protect' in such a context. Instead it has adopted a different phrase, 'recognise the intrinsic character and beauty', and that must have a difference in meaning and intent. In my view that approach is less restrictive than the 'protection' in Policy S7. Policy S7 is therefore not consistent with the Framework. Moreover, Policy S7 is a counterpart to policy S3 which sets the settlement boundaries. The settlement boundaries are out of date as they were drawn up at a time of a different housing requirement and are no longer able to contain the necessary housing development to meet the district's need as demonstrated by the shortfall in the housing land. For these reasons I conclude that any conflict with policy S7 should only be given limited weight.

I have concluded that there is a shortfall in the housing land supply and this is material and significant, even if I accept the Council's best position the supply would only be in the region of 4 years. I give considerable weight to the provision of the additional housing, particularly in the circumstances when the Council cannot demonstrate a five year housing land supply.

- 7.30 This appeal concerned a development of up to 30 dwellings. The inspector, R Sabu BA(Hons) MA BArch PgDip ARB RIBA, considered that limited weight applied to any conflict with policy S7 and also noted the council's housing shortfall (which is similar at time of making this appeal) at 'significant'. The appeal decision dated 20 June 2019 at paragraph 37 states,

37. The Council acknowledge that LP Policy S7 is partially compatible with the Framework since it has a more protective rather than positive approach towards development in rural areas and therefore carries limited weight. I note the comments of the Inspectors for the cases at Saffron Walden and Newport in relation to the consistency of LP Policy S7 with the Framework. From the evidence before me I have no reason to disagree and take a similar approach to the Inspectors of these cases and attribute limited weight to the conflict with this policy.

38. Furthermore, the main parties acknowledge that the Council cannot demonstrate a 5-year housing land supply, consequently the provisions of paragraph 11(d) of the Framework are triggered. Following the publication of the updated Framework in 2019 and the updated Planning Practice Guidance, the Council contends that it can demonstrate roughly a 3-year supply of housing land. This represents a significant shortfall.

- 7.31 Reference should also be paid to the Appeal Decision at Land to the north of Stewarts Way, The Street, Manuden (PINS ref: 3242024) as submitted in the PSAA. This appeal was allowed on 11 January 2021 for (inter alia) a development of up to 22 dwellings. In that case, the inspector gave limited weight to the conflicts with Policy S7.
- 7.32 These appeal decisions are material considerations. The comments of the inspectors back up the appellant's views regarding the limited weight to be attributed to any conflict against Policy S7, even more so when there is a (significant) housing shortfall.
- 7.33 Given the evidence above, the LPA's justification for its refusal, on the grounds of the development being contrary to Policy S7, is significantly weakened.

The Need to Develop Housing in the 'Countryside'

- 7.34 There are some particular issues of planning concern, pertinent to this appeal proposal:

-
- The council cannot demonstrate a 5 Year Housing Land Supply
 - There is a *significant* shortfall of houses - 1402 dwellings according to the LPA itself
 - The Local Plan's relevant policies affecting housing delivery are out of date/non-compliant
 - The Local Plan does not make provision for housing beyond 2011; a replacement Local Plan is required to make new housing allocations
 - The Uttlesford area has other areas where higher countryside restrictions apply, including Green Belt and a Countryside Protection Zone (around Stansted Airport)
 - New Local Plan will not be in place until at least 2024
 - Policy S7 restricts new residential development and is of limited weight given – according to appeal inspectors
 - The council is including windfall sites in its housing trajectory, including the appeal site which is PDL/ brownfield land

7.35 Taking all of the above into account, it is clear that new housing development will need to take place now to address inappropriate, restrictive policies at a time of 'significant' housing shortfalls.

7.36 Because of a lack of allocated housing land for the period beyond 2011 (no provision has been made) then development has to occur outside of settlement boundaries in the Countryside, and this 'may' be contrary to Policy S7. Quite simply, new housing development will have to go *somewhere* in the countryside, in the absence of an up to date Local Plan providing sufficient housing land and having up to date policies reflecting The Framework.

7.37 The adopted Local Plan does not afford the land at the appeal site, nor indeed any of the land around the site, any special or higher status in the Countryside. It is not a 'valued' landscape in NPPF terms.

7.38 In assessing the *relative* merit and value of the appeal site as 'countryside', the appellants have considered whether its land has any higher level policy constraints. The Uttlesford District has areas of Metropolitan Green Belt to the south west side of the administrative area, broadly around the relevant parts of the M11 Motorway that leads out of London and also along the southern parts of the District close to its borders with the Chelmsford City Borough. Housing Development in Green Belt is deemed 'inappropriate' under The Framework and is 'protected' accordingly. Green Belt does not affect the appeal site.

- 7.39 Uttlesford District contains London Stansted Airport, around which there are particular pressures for development (such as airport related car parking, which occurs at the appeal site). In order to prevent coalescence between the airport and surrounding villages, the 2005 Local Plan has designated a Countryside Protection Zone around the airport (Policy S8). This designation does not apply to the appeal site.
- 7.40 The Uttlesford District has numerous other designations and restrictions in the rural area, as set out in its adopted Local Plan. These include Sites of Special Scientific Interest, National Nature Reserves, County Wildlife Sites, Ancient Woodlands, Important Woodlands, Special Verges, Ancient Monuments, Historic Landscapes, Historic Parks and Gardens and Landscaped Areas. None of these apply to the appeal site but do apply to other Rural Areas in Uttlesford.
- 7.41 Given the nature of these numerous constraints in the Local Plan, such areas are (on the whole) unlikely to be suitable for housing development. The remaining areas outside of these designations – and outside Development Limits – will comprise Countryside, to which Policy S7 applies. By a process of elimination, such areas currently have to be considered for development, given the circumstances explained. One such area will be the appeal site.
- 7.42 It will be noted that Policy S7 restricts development in the Countryside unless there are '*special reasons why the development in the form proposed needs to be there*'. Arguably the appellant's arguments as set out above provide such 'special reasons' to justify the proposed development at the site.

Summary

- 7.43 In summary, Policy S7 is of restricted and limited weight because it does not fully conform to the NPPF and is an out of date policy. It places restrictions upon housing development in the countryside outside development boundaries, which is also a particular problem during times of acknowledged and continuing housing shortages. It is clear that planning inspectors at appeal (including decisions taken following examination of evidence at PL's and hearings) afford only limited weight to conflicts with Local Plan Policy S7, given the scale of current and ongoing housing shortfalls and incompatibility with the NPPF.
- 7.44 Accordingly, in determining this appeal, such similar limited weighting to Policy S7 should be applied and conversely a higher degree of weighting should be afforded the supply of housing brought by the appeal which the policy seeks to restrict.

8.0 THE PLANNING BALANCE – JUSTIFICATION FOR THE APPEAL PROPOSALS

Applying the Presumption in Favour of Sustainable Development

8.1 Section 38 (6) of the Planning Act requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. One of the most powerful material considerations is the National Planning Policy Framework (NPPF), in particular, its *Presumption in Favour of Sustainable Development* and the need for housing.

8.2 Paragraph 11 of the NPPF confirms that, ‘decisions should apply a presumption in favour of sustainable development’. It states that ‘for decision taking this means:

‘approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’

8.3 The NPPF clarifies in the footnote to Paragraph 11 (concerning policies which are out-of-date) that ‘*this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites*’.

8.4 As has been demonstrated, the LPA accepted at the time of refusing the planning application and as evidenced in its own assessments, it is currently unable to demonstrate a 5 year housing land supply. In this respect alone the Presumption in Favour of Sustainable Development is engaged viz-a-viz ‘the policies which are most important for determining the application are out-of-date’. This means that one of the most important policies for determining this appeal – Policy S7 (Countryside) as referred to in the reason for refusal – is out of date. Policy H1, concerning housing, is also out of date as explained earlier in this Statement.

8.5 Furthermore, this statement of case has set out that Policy S7 is not fully compliant with the NPPF and is “painfully” out-of-date in this respect alone (regardless of the housing supply situation). This appeal has demonstrated that the policy is overly restrictive. It takes a protectionist rather than supporting sustainable development in the rural areas. Policy S7 has

also been considered by planning inspectors, including at recent Public Local Inquiries. The appeal decisions (as evidenced) confirm that Inspectors have applied Policy S7 limited weight.

- 8.6 Therefore, given that the *most important policies for determining the application are out-of-date*, the appellants are firmly of the view that this appeal should – in accordance with the Presumption in Favour of Sustainable Development - be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*. This is the 'Planning Balance' or 'tilted balance' test.
- 8.7 The test effectively places an onus upon the LPA to show that any adverse impacts (if they do exist) *significantly and demonstrably* outweigh the benefits to such an extent that the development should not be allowed to proceed. The consequence of applying the Presumption in Favour of Sustainable Development is that the planning balance shifts in favour of allowing the appeal unless there is overriding harm.
- 8.8 The rest of this Chapter therefore sets out comments on the key issues to this appeal to allow a judgement on the Planning Balance to be made.

Impact Upon Countryside

- 8.9 A detailed analysis of the council's only policy reason for refusal (Policy S7 - Countryside) has been set out at Chapter 7.
- 8.10 Firstly, Policy S7, which seeks to restrict development in the countryside has been shown to be of restricted and limited weight. This significantly weakens the LPA's development plan policy basis for refusing the application.
- 8.11 Secondly, whilst the intent of Policy S7 is to restrict new development in the countryside, the council has not raised any particular harm to the countryside's character and appearance that would arise from the development. As such the reason for refusal in this sense appears to have been made for the sake of the policy alone, without any identified harm to the rural area driving the decision to refuse.
- 8.12 In respect of Policy S7 the LPA, states that 'it has not been demonstrated that the proposed development needs to take place at the site or is appropriate to a rural area'. However, these comments do not cite specific 'adverse impacts' (NPPF Paragraph 11), merely a conflict with the policy. As noted, inspectors attribute generally limited weight to conflicts with the Policy. A

consistent approach should also afford similar restricted weight to any conflicts with Policy S7 in determining this appeal.

- 8.13 This appeal statement has shown that development must take place in the countryside, given the out of date Local Plan (housing sites allocated only to 2011) and significant housing land supply shortages, which can only be addressed by allowing housing outside of Development Limits in the countryside.
- 8.14 The site is not afflicted by other restrictive Development Plan policy designations such as Green Belt and Countryside Protection Zone etc which apply elsewhere in the Uttlesford District. The site is not a valued landscape. It is neither active farmland nor has any prospects as such. NPPF policy requires that the intrinsic character and beauty of the countryside is recognised. However, the site currently as developed with a mixture of buildings, uses and external storage/parking is not representative of the intrinsic character and beauty of the countryside. The appeal proposal may bring visual benefits.
- 8.15 The council should have also considered the appropriateness of redeveloping this part of the rural area for housing, given its prevailing circumstances, being *previously developed land*. Moreover, the LPA itself had granted permission in 2007 for identical scheme to this appeal and a key question is whether anything has changed in terms of policy or material considerations for the LPA to depart from its previous decision. The appellants are not aware of any such circumstances.
- 8.16 Unless an adverse impact which 'significantly and demonstrably' outweighs the benefits brought by this sustainable housing scheme, then the refusal under Policy S7 is not justified. The LPA's decision notice neither alleges specific adverse impact to the countryside or if it is caused, to what extent it would be harmful ie whether 'significant and demonstrable'.
- 8.17 Professional planning officers of the LPA, in recommending approval of the appeal scheme and considering impacts on the rural area, recognised the following in their *Report to Planning Committee (Appendix 1)*

The site sits on a plateau before the Stebbing Brook valley further to the west. The site has a rather utilitarian appearance, although is reasonably screened from the front and sides and from further to the rear..

..the site has a commercial appearance that can be described as being rather unsightly and out of context with its immediate rural environs, whilst the bungalow on the site which is understood to be connected with the site's historical use is now ageing and is "of its time".

- 8.18 The site is reasonably well contained in the general landscape given mature boundary hedgerows and other vegetation on the site approach from the west. Boundary vegetation can be retained to provide softening of the housing development and further details can be considered at reserved matters stage. The LPA has not alleged that there would be adverse impacts upon the landscape as a result of either localised or longer distance views. In any event, the LPA has the ability to control the extent of any impacts at reserved matters stage, including the scale, siting and height of development.
- 8.19 It is notable that the LPA has not objected to the development on the grounds of Policy GEN2 (b) regarding landscaping matters. One criterion for development is that 'It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate'. As the LPA lists Policy GEN2 in the Decision Notice, but not as a reason for refusal, the LPA implicitly accepts the existing landscape features will help reduce the impact of the built forms.
- 8.20 The site as existing comprises various buildings and hard surface areas with parking and fencing. It is previously developed land, the redevelopment of which is supported by the NPPF. As set out earlier in this statement, there is potential via a housing redevelopment of up to 9 dwellings to reduce the footprint and floorspace of buildings at the site and also reduce the number of vehicles that would be parked at the site as a maximum. There is clear potential to improve the appearance of the site for the benefit of the countryside. This approach might actually find favour with Local Plan Policy S7, which states that development will only be permitted if its appearance *protects or enhances* the particular character of *the part of the countryside within which it is set*. Therefore, a judgement about the particular part of the countryside must be made in this appeal. The site is developed and in residential and commercial use. This is a material consideration when assessing potential visual impacts of the appeal scheme upon the rural area.
- 8.21 Indeed, the visual impact of the development proposal was assessed by the council's planning officers who opined at paragraphs 11.4 – 11.5 in their Report to Planning Committee (Appendix 1) that,

In terms of environmental impacts, the site has a commercial appearance that can be described as being rather unsightly and out of context with its immediate rural environs, whilst the bungalow on the site which is understood to be connected with the site's historical use is now ageing and is "of its time".

As such, it is considered that there would be environmental gains associated with the proposed demolition of the existing buildings and cessation of the current surface car parking uses at the site and their replacement with a sensitively designed and scaled housing scheme at low density for which renewal of outline planning permission is sought in principle

- 8.22 The LPA's planning officers made a similar assessment in their Report to Planning Committee (Appendix 4) concerning the 2017 application.
- 8.23 There was no reason for the LPA to depart from the assessments it had previously made in 2017 concerning application UTT/17/2480/OP and which were again recommended to its Planning Committee regarding the renewal application subject of this appeal.
- 8.24 Applying the NPPF test at Paragraph 11, when considering impact upon the rural area, there would be no adverse impacts which would 'significantly and demonstrably' outweigh the benefits of this appeal scheme. The appellant's examination of the development's impacts upon the countryside and indeed the opinions of the council's professional planning officers confirm this view. Furthermore, as the LPA has not cited any particular harm to the countryside, it is advanced that there is no prejudice to the provisions of Policy S7 in this case.

Housing & Related Benefits

- 8.25 The key 'benefit' of the appeal proposals is the provision of land for, and the delivery of, up to 9 dwellings. Rural housing, which helps support viability of local services, is supported by the NPPF and the PPG.
- 8.26 The Government has an objective of 'significantly boosting the supply of homes' (NPPF, Paragraph 60).
- 8.27 A 'Social Objective' of the NPPF (paragraph 8) is to *support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations* .

- 8.28 The appeal scheme meets these NPPF objectives. In this case up to 9 dwellings will meaningfully contribute towards housing needs and boosting supply. There is potential for a 'range of homes' to be delivered at this site.
- 8.29 In consideration of court rulings (sic), the appellants believe that significant weight should be afforded in the planning balance to the benefits arising from the proposed housing, especially given the paucity of the District's housing supply. The council currently states that its housing land supply is a little as 3.11 years such that it has a shortfall in housing of 1402 dwellings. The housing allocations in the 2005 adopted Local Plan only covered the period to 2011 and so the plan is 10 years out of date, having been out of date longer than it was in date. An appeal inspector has referred to the Local Plan as being 'painfully out of date'. In the absence of adopted Local Plan allocations, sensible decisions must be made on a site-by-site basis to ensure that the LPA recovers ground towards ensuring a 5 year housing land supply, to significantly boost the supply of housing as required by the NPPF.
- 8.30 Indeed, the LPA has also consistently acknowledged in recent times that applications for sustainable development outside development limits may need to continue to be granted, where appropriate, to ensure the level of housing supply is robust and provides a continuous delivery of housing land. Currently, the LPA is failing significantly in this respect, with a housing land shortage of nearly 2 years' supply.
- 8.31 The council has taken negative approaches to other housing schemes and has not attached sufficient weight to the importance of providing housing during this time of shortfall. The comments of the inspector in an appeal at north of Stewarts Way, The Street, Manuden (PINS ref: 3242024) are useful. This appeal decision is found at Appendix 9 of the PSAA. Paragraph 49 of the appeal decision states,

'The addition of up to 22 houses proposed by the development would make a contribution towards addressing this shortfall on a site that is available in the short term. Whilst the contribution would be modest in the context of the overall shortfall, the Council's argument that it would not therefore be meaningful is not a credible position to take. It also fails to acknowledge the important contribution that small and medium sized sites can make to meeting the housing requirements of an area'

- 8.32 A replacement Local Plan is not likely to be adopted until 2024 based on the LPA's timetable. Planning officers advised the Council when recommending (in April 2020) the withdrawal of the previous draft Plan that the council would be vulnerable to unplanned, ad hoc development.

- 8.33 Local Plan inspectors expressed concern about the council's housing strategy in the draft (withdrawn) Local Plan, concerning potential negative impacts on the vitality and viability of services in existing towns and villages and result in a lack of housing choice in the market and noting the worsening affordability problem. The inspectors opined that the Council would '*need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year HLS*'.
- 8.34 The NPPF at paragraph 68 notes that '*small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly*'. The housing scheme does not need large scale infrastructure, so could be built out reasonably quickly. Stebbing is a desirable location with good accessibility by road to large employment areas (eg Stansted Airport, Broomfield Regional A&E Hospital, Chelmsford City, M11 for London/Cambridge/Harlow etc), so it is anticipated that there would be strong demand for new properties in this high value area, particularly given shortage of housing supply. The potential speed of build out and *delivery* of this medium scale site is therefore a material consideration under the NPPF.
- 8.35 The appeal scheme will therefore help towards meeting the NPPF policy and addressing the inspector's concerns by quickly delivering a small to medium scale housing site.
- 8.36 Paragraph 68 also states that LPA should support the development of windfall sites. This windfall site is already programmed for delivery in the council's housing trajectory, which makes it even more curious why the LPA did not renew the 2017 permission.
- 8.37 The NPPF at paragraph 119 states that decisions should promote an effective use of land in meeting the need for homes. In this case the site can be effectively used for housing to meet shortages in supply. Paragraph 120 of the NPPF has a clear emphasis on making effective use of PDL land, especially for housing and where environmental improvements (eg contamination remediation, biodiversity enhancements and access improvements) can be realised. This aligns with the appeal site and its proposals.
- 8.38 In their *Report to Planning Committee (Appendix 1)*, the council's planning officers, noted some of the environmental benefits of the application, as follows:

'..it is considered that there would be environmental gains associated with the proposed demolition of the existing buildings and cessation of the current surface car parking uses at

the site and their replacement with a sensitively designed and scaled housing scheme at low density..’

8.39 A social objective of the NPPF is to support strong, vibrant and healthy communities by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.

8.40 The site has the potential to be well designed, beautiful (certainly improving the site’s current appearance) and safe. These issues are left for a reserved matters submission although the indicative plans show one potential way of addressing these matters.

8.41 In respect of the NPPF’s objective relating to accessible services, the LPA now asserts that the site lies within an unsustainable location remote from local services and not served by public transport - *despite no change in circumstances since its grant of planning permission in 2017*. There is no justification for the LPA’s volte face. Chapter 2 of this Statement has set out details of the site location, including:

- its reasonable proximity to various local settlements which offer a large range of facilities and services (including open spaces and bus services, amongst others)
- cycling distance to adjacent settlements (partly accessed by low traffic/traffic free routes)
- the ability to walk to bus stops eg at Stebbing Green, with regular daily services to the city of Chelmsford
- proximity to other bus stops eg at Blake End, with regular daily services to Stansted Airport/Braintree

8.42 Whilst not within or immediately adjacent a settlement, the site is accessible and the term ‘remote from local services’, as used by the LPA is not justified.

8.43 In accordance with paragraph 79 of the NPPF, housing should be located where it will enhance or maintain the vitality of rural communities, especially where this will support local services. The location of the appeal site, which has been shown to lie within a few kilometres of numerous settlements, will comply with this policy objective. Indeed, the council’s planning officers, in their *Report to Planning Committee (Appendix 1)*, agreed with this, stating:

‘the site is situated on the B1256 running parallel with the A120 with convenient vehicular access by car to both Great Dunmow and Braintree and also Stebbing and Felsted villages,

whilst the provision of housing on the site would support local services, such as Stebbing primary school and the village shop.

- 8.44 The council's decision to refuse permission implicitly disputes the sound professional judgement of its planning officers and runs contrary to NPPF paragraph 79. The council has not grasped the policy nettle regarding the need to support local services. Housing at the appeal site would support the nearby and accessible local services, whether they are accessed by car, cycle or on foot.
- 8.45 The proposed housing scheme will support the NPPF's Economic Objective. Government notes that '*significant weight*' should be placed on the need to support economic growth (according to the NPPF at Paragraph 81). Various economic benefits arise.
- 8.46 There will be short term economic benefits arising from the construction project benefitting local builders, other tradesman (eg carpenters, electricians) and suppliers of materials, kitchens and bathrooms etc. These benefits perhaps should be given even greater weight at a time of economic uncertainty following the Coronavirus Pandemic and Brexit.
- 8.47 The local economy eg shops, pubs, restaurants and bus services will potentially benefit given that there will be a greater pool of residents to provide potential custom. For example, the rural services at the nearby Oak Filling Station (incl. shop), Palm Trees restaurant, Blake End Craft Centre, Felsted, Stebbing and Fritch Green may particularly benefit.
- 8.48 The new houses will create income for the local authority by way of the New Homes Bonus.
- 8.49 Therefore, some weight should be given to these economic benefits. There would be no 'loss' of employment, as explained in the agent's email to the LPA of 3rd August 2021 (submitted with appeal questionnaire) which advised...*"the airport car parking involves no on-site employment just remote and an alternative site has been sourced. Similarly a site has been found for the car sales to be relocated within the district but there are few on site employees who will transfer with the car sales"*. Additionally the lease of the business 'Clarity' expires on 31st March 2022 and they are understood to be sourcing alternative premises in the area. Chelmer Print has one owner/employee and they will be relocating locally.
- 8.50 The alternative usage of the site should take account of the short and long term economic benefits arising from the housing scheme's construction and occupation. Furthermore NPPF Paragraph 123 states LPA's should also take a positive approach to applications for alternative

uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs and particular, they should support proposals to use employment land for homes in areas of high housing demand. Whilst mainly used for employment and commercial uses, the land is not allocated for the same in the Local Plan. Note that Uttlesford's housing land supply cannot keep up with demand based on the ongoing 5 year land housing land supply shortfalls. The use of the land for housing should therefore be supported. The LPA again failed to take a positive approach in its decision making.

- 8.51 Accordingly, there are clear environmental, social and economic benefits that would arise from allowing this appeal, which accord with national policy. The appellants assert that these benefits and national policies were not properly considered or given sufficient weight by the council's Planning Committee.
- 8.52 The approach the LPA took in refusing the application would seem to contradict NPPF Paragraph 38 which states:

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

- 8.53 Planning officers were supportive and approached matters in a positive way. They had recognised in 2017 the potential for the site to be included on the council's Brownfield Land register, at paragraph 11.4 of their *Report to Planning Committee for the 2017 application* (Appendix 4), stating,

'Another material consideration relating to this brownfield site is the Housing and Planning Act 2016 that allows "Permission in principle" for the development of suitable brownfield sites for housing whereby the site is in excess of the 0.25 ha minimum size threshold at 0.44 ha and capable of supporting more than five dwellings....whilst the site would appear to be available, achievable and suitable for housing, this latter criteria being necessary for being included on the brownfield register. Thus, the redevelopment proposal would be forwarding the objectives of central government in this regard.'

- 8.54 Subsequently, the site was then included on the Part 1 Brownfield Land Register (Appendix 31) which, irrespective of the outcome of this appeal, allows the LPA should it be so minded to grant

a 'Permission in Principle' for housing. The Part 1 entry is a material consideration which the Planning Committee appear to have overlooked when refusing permission.

- 8.55 Given the benefits arising from the scheme, the large housing shortfalls, out of date policies (S7 and H1) and overall compliance with NPPF policy, the appellants are of the view that the LPA should have (once again) granted planning permission. The council did not (as required by the NPPF, paragraphs 38) pursue sustainable development in a 'positive way' when considering this scheme. Even where it had concerns, the council gave no ability following the Planning Committee meeting (eg by deferring the application) for the appellants to respond to the council's 'new found' concerns. The LPA has not acted positively and pro-actively in this regard and has clearly ignored the very clear advice of its planning officers who recommended a renewal of the original planning permission.

Access and Transport

- 8.56 The proposed means of access to the development site is a detailed proposal within the application.
- 8.57 There is no objection by the LPA to the access proposal.
- 8.58 NPPF Paragraph 111 advises that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 8.59 The access will represent a rationalisation of the several accesses which currently serve (or are available to) the site, so in this respect will be beneficial. It is highly material that the existing accesses are established and have served large amounts of commercial traffic over many years.
- 8.60 The access has been designed to meet relevant highways standards in terms of width and radii. There is no objection from any highway consultee. Appropriate conditions can be imposed to control the access details.
- 8.61 It is material that the site currently generates traffic as a result of the extant commercial and residential uses. As stated at paragraph 5.08 of the PSAA, the existing access point that accommodates traffic potentially over a 24 hour period (including employees and deliveries) will be more than the traffic generated by housing proposed in this appeal. The original application submitted in 2017 did not generate any objections from the Essex County Council Highways.

Whilst Essex CC have not commented on the appeal application, their comments (which did not raise any highway objections) were attached in the appendices to the PSAA. On the basis that there has been no change in the planning permissions on the site, the anticipated level of traffic or local speed limit, there is no reason to depart from the previous assessments which were made regarding the access.

8.62 There is no reason under NPPF Paragraph 111 to object. There would be no unacceptable impact on highway safety. The residual cumulative impacts on the road network would not be severe.

8.63 Planning officers assessed the access at paragraphs 11.10-11.13 in their The Report to Planning Committee (Appendix 1) and concluded that,

11.10 Access falls to be considered with the current renewal outline application without change. In terms of existing highway arrangements, there is evidence of three vehicular entrance points into the site, to include the bungalow which stands onto the site's western flank boundary stemming from when the site was a petrol filling station and cafe, although only one access point is now used.

11.11 The submitted outline scheme shows the retention of the currently used vehicular access point leading into the site from the B1256 with improved bellmouth, with the other access points, including the one leading to the bungalow (to be demolished) being sealed off.

11.12 Highways England have been consulted on the application who have not raised any highway objections to the proposal on strategic highway grounds in relation to the adjacent A120. The indicative site layout shows a 5.5m shared internal access road with rear turning head. It has been demonstrated that the site has good visibility from the proposed access points in each direction along the B1256, notwithstanding that the national speed limit applies to the site. In terms of comparative trip analysis, whilst the application is not accompanied by a traffic survey or trip analysis assessment, the accompanying planning supporting statement argues that the daily/weekly traffic movements at the site as a result of the proposed housing development are likely to be lower than the present commercial movements at the site, particularly when the car sales use and airport parking use (both fluctuating activities) are taken into account.

11.13 ECC Highways have been consulted on the application who have not raised any highway objections to the proposal subject to the imposition of normal highway conditions where they have commented in their formal highway response that the 9 no. dwellings proposed compared

to the lawful uses of the site is expected to have an inconsequential net impact on the highway network. No highway objections are therefore raised under ULP Policy GEN1.

- 8.64 The council did not therefore not object to the access under Local Plan Policy GEN1 (Access), despite alleging the site is remote from services. Given the site location, the inspector must take in to account paragraph 103 of the NPPF which states opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 8.65 Notwithstanding the proximity of the site to public transport it is possible to further encourage the use encourage the use of local public transport (NPPF Paragraph 110) via measures to be secured under planning condition. For example, a condition could be added regarding the provision to occupiers of a sustainable transport pack including information on local public transport and travel vouchers.
- 8.66 Given the above the scheme positively addresses polices of the NPPF and Local Plan in terms of achieving safe access and promoting sustainable transport.

Contamination and Remediation

- 8.67 The former and current uses of the site inform that there is a potential for contamination from these commercial sources. The Phase 1 Geoenvironmental Assessment concluded there are 'moderate' and 'low to moderate' risks of plausible pollutant linkages at the site but that it is considered to be suitable for the proposed residential end use. Recommendations were made for remedial measures, which can be secured by planning condition.
- 8.68 The LPA has not objected regarding contaminated land issues. The Report to Planning Committee (Appendix 1) concluded that,

There is a potential for the site to be contaminated in view of the site's brownfield status with historical commercial use as a petrol filling station (former Unity Garage). The applicant has re-submitted a Phase I Geo-environmental Assessment, the conclusions and recommendations of which have been previously accepted by the Council subject to further investigations as recommended in the report being required to identify the risks to future users of the site and where necessary remedial measures to ensure that the site is suitable for the end user in accordance with model conditions to be imposed on any planning permission granted. No objections are therefore raised on this basis as before under ULP Policy ENV14

- 8.69 Accordingly, there is no Development Plan objection on contamination grounds.
- 8.70 Furthermore, NPPF Paragraph 120 (also generally reiterated at Paragraph 174) explains that planning decisions (inter alia) should, 'c) ... support appropriate opportunities to remediate ... contaminated land'.
- 8.71 The appellants therefore assert that the potential to remediate the site is relevant as an environmental 'benefit', this being material to the 'tilted balance' consideration.

Biodiversity and Natural Environment

- 8.72 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) minimising impacts on and providing net gains for biodiversity. The appeal proposal positively addresses this policy.
- 8.73 The Ecological Survey and Assessment, as originally submitted with the application documentation, effectively demonstrates that the appeal site does not hold any habitat value for protected species.
- 8.74 Furthermore, recommendations are made in the report for ecological enhancements. These can provide the biodiversity gains sought by the NPPF (eg Paragraphs 174 and 8). These gains add to the environmental benefits of the scheme and are material consideration in the planning balance.
- 8.75 The Report to Planning Committee (Appendix 1) concluded that the ecological assessments are satisfactory and noted the opportunity to provide ecological net gains for the site given the general absence of ecology habitats, stating,

The site holds limited ecological value for protected and priority species, including bats, given its mostly built over nature whereby the report has concluded that no further species surveys are required. The site contains an older style bungalow, which is still occupied, relatively modern used workshop/office buildings and extensive areas of enclosed hardstanding. An updated ecology report has been submitted by the applicant (Essex Mammal Surveys, January 2021) which found that the site holds limited ecological value for protected and priority species, including bats, given its mostly built over nature whereby the report has concluded that no further species surveys are required.

ECC Place Services have reviewed the submitted updated ecology report and have concurred with its findings advising that they are satisfied that there is sufficient ecological information available for determination. They have further advised that there is an opportunity to provide ecological net gains for the site given the general absence of ecology habitats and have conditioned these ecology enhancements. No objections are therefore raised under ULP Policy GEN7. It should be noted that the site does not fall within the Zone of Influence for the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

8.76 Accordingly, there were no objections from the LPA on this matter following acceptance of the proposals by ECC Place Services, the LPA's ecological advisers. Appropriate conditions can be imposed to ensure appropriate ecological mitigation and enhancement.

8.77 The proposals therefore demonstrate compliance with NPPF biodiversity policy, able to provide further environmental 'benefit', also in compliance with Policy GEN 7 of the Local Plan.

Flood Risk

8.78 Chapter 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) provides inter alia policies on flood risk. Paragraph 159 advises that, 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk'. The site however is in a low risk flood zone (Zone 1) with low probability of flooding.

8.79 The Report to Planning Committee (Appendix 1) concluded that,

The site is included within Flood Zone 1 as shown on the government's fluvial flood risk map, which represents the lowest risk of flooding. As such, the site is not within an area vulnerable to flooding whereby it is not necessary for the application to be accompanied by a Flood Risk Assessment (FRA). Accordingly, the proposal is not contrary to ULP Policy GEN3.

8.80 Accordingly there is no objection under NPPF or Development Plan policies on grounds of Flood Risk.

Design and Layout

8.81 Details of design and layout are reserved matters and thus not relevant to determining the principle of residential use and the means of access proposed.

8.82 However, the application includes an illustrative layout to show how a well-designed and safe environment could be delivered for 'up to' 9 dwellings, complete with gardens, parking areas, road access, turning facility and landscaping, in turn making an effective use of this brownfield site. Refinements to the illustrative scheme could be made as required eg to meet technical standards and amenity considerations. The adjacent blue edged land is available for amenity open space use if so required and could be secured by condition. There may be the ability for some dwellings to be designed with home offices/studies, in pursuit of sustainable 'live-work' lifestyles. There is also potential for a link to be made in to the adjacent footpath just beyond the site's western boundary, for facilitating convenient pedestrian access northwards to Stebbing Green for the nearest local bus stop (sic). This could be included at reserved matters stage as part of the layout.

8.83 The impacts of the scale, height, siting and appearance of any housing development proposed at reserved matters stage would need to be compared against those arising from current buildings and open use at the appeal site. There is clear potential for visual improvements and even reductions in footprint of floorspace of buildings, which complete with new and retained landscaping, may bring benefit to the countryside, further in support of this appeal. Potential impacts from existing road noise can be addressed through pre-commencement noise conditions as recommended by the Council's Environmental Health officers, also helping to address the NPPF's 'health and well-being' policies. Sustainable build forms would ensure climate change objectives are met.

8.84 A range of housing to meet local needs is required by the NPPF. Reserved matters will determine the eventual mix of housing. The illustrative scheme shows 2, 3 and 4 bed housing. Planning officers were supportive of the ability for the site to deliver this mix of housing. The Report to Planning Committee (Appendix 1) states,

The indicative housing layout is shown with a mixture of 2, 3, 4 and 4+ bed housing units shown spread across the development. This is considered to be an appropriate housing mix for the site at this rural location in terms of lower cost affordable market housing and higher cost family market housing where it would be expected and anticipated that some uplift in value of the site should planning permission be granted for housing in principle would be required to be offset against the cost of decontamination and remediation of the site given its previous use as a petrol filling station. No objections are therefore raised under ULP Policy H10 or the latest published SMHA at this outline stage.

8.85 The Uttlesford Strategic Housing Market Assessment (SHMA) 2015 as adopted by Uttlesford DC indicates the highest need is for 3 and 4 bedroom homes. Curiously, despite the SHMA's requirements, officer advice and the illustrative housing mix shown on drawings, the *Printed Minutes of Planning Committee (Appendix 2)* stated member concerns that *'the indicative housing mix did not meet the area and District's demand for smaller 2/3-bedroom properties'*. In any event, this is a reserved matters consideration.

8.86 The site lies under any local or national policy thresholds for affordable housing provision and indeed the LPA have acknowledged this.

8.87 At this outline stage the illustrative scheme shows the 'potential' to successfully design a scheme of up to 9 dwellings taking account of constraints, opportunities and requisite standards.

Summary - Economic, Social and Environmental objectives and Benefits

8.88 Based upon all the submitted application and appeal documentation, the appellants therefore conclude that the appeal proposal has been properly demonstrated to be a *sustainable development*. The development meets economic, social and environmental objectives of the NPPF and will bring benefits in the following way:

NPPF Economic Objective & Benefits

- Potential for increase in custom for local shops, pubs, restaurants and other services in the area, including nearby villages.
- The scheme will allow for employment during the construction phase, along with the purchase of construction and other goods/services which might benefit local companies eg contractors, sub-contractors, trades and suppliers.
- The proposals would support local services and facilities
- Under the Government's 'New Homes Bonus', the District Council would receive funding which it has the option to put towards local services and infrastructure.
- There is potential for occupiers to work from home as part of a sustainable lifestyle and avoid out-commuting.

NPPF Social Objective & Benefits

- Housing will help towards meeting NPPF objectives of significantly boosting housing supply via a small-medium scale, windfall site as supported by the NPPF

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- Retention of small-medium scale housing (windfall) site is the council's Housing Trajectory
 - New dwellings would help to meet the general housing needs of the district given the acknowledged under supply of housing in Uttlesford. A range of property sizes can be built. Uttlesford's latest housing assessments indicate the greatest need for market homes is 3 and 4 bed houses. The indicative scheme meets these needs.
 - The proposals would generally bring greater social vitality by allowing local shops, services, facilities and groups/clubs/societies to be supported.

NPPF Environmental Objective & Benefits

- Site is Previously Developed Land. An effective re-use can be made, bringing multiple benefits eg housing supply, appearance of countryside, ecological gains, contamination remediation, local economic benefits, social vitality
- Potential for visual improvements to the appearance of the site, subject to detailed consideration at reserved matters stage, via a low density, high quality development
- Any site contamination can be remediated for environmental benefit
- Existing mature vegetation at edge of site to be retained. New planting can be delivered for amenity benefit
- Ecological enhancements to be secured for net biodiversity gain
- No overriding constraints in terms of access, flood risk, landscape impacts , contamination
- Sustainable build forms would ensure climate change objectives are met
- Potential for new link to adjacent informal footpath for accessing bus stop
- Potential for blue edged land to be used as open space

9.0 SUMMARY AND CONCLUSIONS

- 9.1 The appeal proposals seek approval of the principle of a housing development of up to 9 dwellings along with the details of the means of access. The application subject of this appeal is a renewal of a planning permission granted by Uttlesford DC in 2017.
- 9.2 The appeal has to be determined in accordance with Section 38(6) of The Planning and Compulsory Purchase Act. A decision should be made in accordance with the Local Plan unless material considerations indicate otherwise.
- 9.3 The appeal is heavily supported by policies of the National Planning Policy Framework (NPPF) which are key material considerations to the determination of this appeal. The NPPF has a *Presumption in Favour of Sustainable Development*.
- 9.4 The council's 'most important' adopted Local Plan policies (Policies S7 and H1) in determining this appeal are 'out of date' because the LPA is not able to demonstrate a 5 year supply of housing land to meet its housing needs and the Local Plan only envisaged housing delivery up until 2011 (a decade ago).
- 9.5 In such circumstances, a 'balancing exercise' must be carried out in applying the NPPF's Presumption in Favour of Sustainable Development. Essentially, this test is whether any adverse impacts (if they do exist) would be so strong such that they 'significantly' and 'demonstrably' outweigh the benefits of the development. Appeals nationally indicate that such adverse impacts are set at a reasonably high bar, given their necessity to clearly outweigh any benefits if an appeal is not to be allowed. This bar has not been met by the LPA's decision.
- 9.6 The LPA (via its Planning Committee) refused the application contrary to the recommendation of its professional planning officers. *Weight should be given to the professional advice provided by planning officers in recommending approval of the planning application.*
- 9.7 The application sought a renewal of planning permission granted by the LPA in November 2017. There has been no material or significant change in circumstances since that time for the LPA to depart from the earlier decision it made. It will be noted in particular that:
- The adopted Local Plan policies used in determining the earlier application are still in force
 - There are no new emerging Local Plan policies

- The council's housing land supply is still deficient and under the required 5 year supply (currently at 3.11 years)
- The subsequent minor revisions to NPPF policy would not indicate that a contrary decision should be made
- There has been no change in site circumstances

9.8 The application was refused by Uttlesford's Planning Committee for one reason, although the Minutes of the Planning Committee indicate that other concerns not listed in the decision notice may have affected the decision of its Members.

9.9 The council has cited only one Development Plan policy to uphold its decision, Policy S7 (Countryside). However, this appeal has demonstrated conclusively that Policy S7 is *inconsistent with the NPPF* and restricts the supply of housing. This is a particular concern at a time of *significant under supply of housing* in Uttlesford. The LPA accepts it has a shortage of 1402 dwellings. As a result, Policy (S7) has been declared by senior appeal inspectors at Public Local Inquiries of '*limited weight*'. In determining this appeal, the inspector is asked to acknowledge the decisions of inspectors and apply 'limited weight' to Policy S7 when considering the LPA's objection.

9.10 As part of its forward 5 year housing land supply, the council indicates the delivery of housing on the appeal site in 2022/23 for 9 dwellings. At a time of severe housing land supply shortages in the District, it is all the more surprising that the LPA would seek to damage its own housing trajectory by refusing permission for this housing site (which it had previously consented). The inspector should give weight to the council's housing trajectory.

9.11 The council has a massive shortfall of housing. In these particular circumstances, the LPA's decision to refuse planning permission is unwarranted in the absence of any overriding harm to the rural character of the area. The LPA was previously supportive of development at this site. Attention should be paid to the inconsistent approach shown by the LPA regarding the appeal site.

9.12 Moreover, the LPA has not alleged any harm would arise to the countryside as a result of the development but merely that the appeal proposals are contrary to its countryside policy (S7) provisions. There must be some evidenced element of substantive harm to the rural area for the council to refuse the application against its countryside protection policy. The LPA has failed to do so.

-
- 9.13 The appellants are of the opinion that any potential for harm to the countryside arising from the development should be assessed against the prevailing circumstances. The site is already developed by commercial and residential building, hard surfaces, open storage, car parking and fencing. The site has defensible boundaries in the form of mature boundary planting (shielding the site) and a road. The site is not a 'valued landscape' in NPPF terms. Subject to an appropriate reserved matters submission, the scheme at the density envisaged should produce a development which is more suited to the appearance and character of the countryside. The LPA would have full control over the scale (and siting) of dwellings at reserved matters stage, although, based on the LPA's assessment, planning officers were largely content with the indicative proposal subject to some refinements.
- 9.14 The appellants are of the view that the decision of the LPA to refuse an application for up to 9 dwellings on a site which the council had previously approved for an identical scheme is unwarranted given the following key circumstances:
- Out of date planning policies – S7 and H1
 - Significant housing shortages (1402 dwellings – 3.11 years housing supply)
 - Site referenced for delivery of 9 dwellings in the council's Housing Trajectory
 - planning officer recommendation in support of the application
 - no significant and demonstrable impacts on countryside have been alleged in the decision notice
 - Lack of Consistency with previous decision in 2017
 - The site is included on the council's Part 1 Brownfield Land Register, which means the LPA deems it suitable for residential development
- 9.15 The council also alleges that the appeal site is remote from local services. However, the location of the site has been shown to lie within a few kilometres of numerous settlements and in reasonable proximity to numerous local services and facilities. It is also walking distance from a bus stop.
- 9.16 The development will bring benefits, most importantly the delivery of up to 9 homes, which may include a mix of dwellings to meet SHMA requirements. This will make a useful contribution to the significant shortfall in meeting Uttlesford's housing needs. Significant weight in the planning balance should be given to the benefit brought by the appeal proposal to deliver much needed housing, noting Uttlesford's ongoing housing shortages.

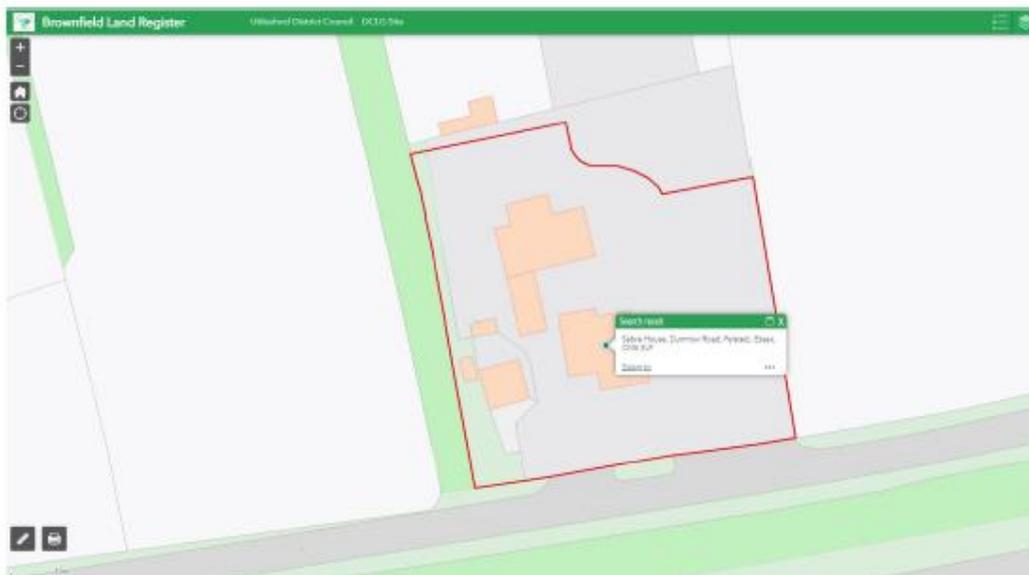
- 9.17 As a small to medium scale housing site, the development can be delivered reasonably quickly post reserved matters/conditions approval, to assist the housing supply shortfall. The NPPF gives particular weight to small-medium sized housing sites which can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. This is particularly applicable to the Uttlesford District given its severe housing shortages at present. Weight should be given to the ability of this medium scale site to deliver housing relatively quickly when housing supply is deficient.
- 9.18 This Statement has demonstrated that the proposal will comply with the economic, social and environmental strands of sustainable development. The site's location, also being previously developed land, is suitable for rural housing and will help maintain local services, the same being supported by the NPPF and PPG.
- 9.19 The site has no overriding constraints to development. Professional reports have been undertaken regarding ecology and contamination. The access proposal will meet standards and will lead to a reduction in the number of site accesses.
- 9.20 Benefits will be derived from ecological enhancements (for net biodiversity gains) and contamination remediation, which can be secured by condition.
- 9.21 There are no objections from the LPA or any consultee on technical details, including matters relating to access, ecology, contamination, flood risk, noise or heritage. The council has assessed the development against technical matters insofar as relevant to an outline proposal as does not allege harm against Local Plan policies.
- 9.22 There will be economic and social benefits arising from the development, which will bring added vitality to local communities and help support facilities in villages and elsewhere in the local rural area, in line with the tenets of the NPPF.
- 9.23 In consideration of the 'planning balance' pursuant to Paragraph 11 of the NPPF, this appeal has been demonstrated that there will be no adverse impacts which would '*significantly and demonstrably*' outweigh the numerous *benefits* of the development, in particular the delivery of market housing which is urgently needed to address the considerable and ongoing shortages of housing in the Uttlesford District.
- 9.24 In applying the NPPF's Presumption in Favour of Sustainable Development, it is therefore respectfully requested that this appeal should be allowed.

REPRESENTATION 8: Springfields Planning & Development Limited (contd.)

Appendix 6 - Extract from Part 1 Brownfield Land Register

Extract from Part 1 Brownfield Land Register - Uttlesford DC (Sept 2021)

Brownfield Land Register		Uttlesford District Council	DCLG Site
Brownfield Sites			
Reference	UBLR/17/017		
Planning Reference	UTT/17/2480/0P		
Site Name	Sabre House		
Site Address	Dunmow Road, Stebbing CM6 3LF		
Easting_X	568389		
Northing_Y	222642		
Reference System	OSGB1936		
Area (ha)	0.45		
Local Authority	UTT		
URI	More info		
Ownership	Not owned by a public authority		
Deliverable	Yes		
Planning Status	Permissioned		
Date Permission	11/28/2017		
Type Permission	Outline permission		
Description	Demolish all buildings and remove commercial uses (car sales and airport parking etc) and construct up to 9 dwellings		
Dwelling Range	5-9		
Min Capacity			
Non Resi Dev Scale			
Register Date	12/12/2017		
Updated Date			
Comments			



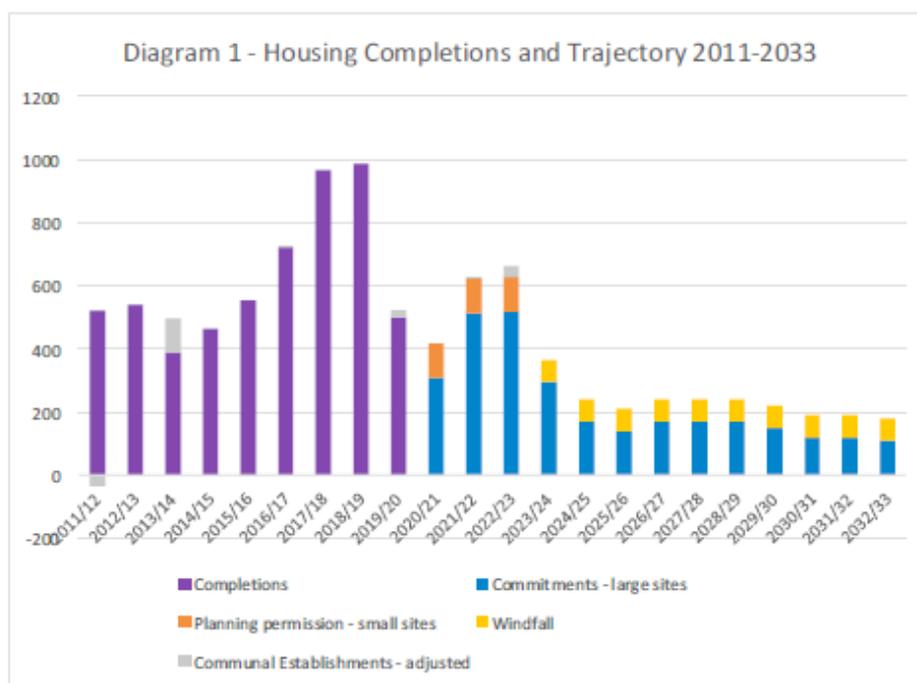
REPRESENTATION 8: Springfields Planning & Development Limited (contd.)

Appendix 7 – Housing Trajectory 5YLS Statement 1 April 2021



Utlesford District Council
Housing Delivery Test and 5-Year Land Supply Statement
January 2021

UTTLESFORD DISTRICT COUNCIL HOUSING TRAJECTORY AND 5-YEAR LAND SUPPLY STATEMENT STATUS AT APRIL 2020



Introduction

1. The purpose of this Statement is to set out the Council's 5 year housing supply and an indicative trajectory of housing delivery during the plan period for the purposes of decision-making. The 5 year period covers the period 2020/21 to 2024/25
2. The 5-year land supply data uses a base date of 31 March 2020 and only uses known data i.e. actual completions.
3. Paragraph 73 of the National Planning Policy Framework 2019 (NPPF 2019) requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) where there has been significant under delivery of housing of the previous 3 years, to provide a realistic prospect of achieving the planned supply.



- Paragraph 74 of the NPPF 2019 sets out the circumstances a 5-year land supply can be demonstrated, with the appropriate buffer, these are either through a recently adopted plan, or in a subsequent annual position statement.

Housing Need

- The Council's adopted Local Plan 2005 pre-dates the NPPF 2019. The Regulation 19 Local Plan was withdrawn in April 2020. A new draft Local Plan is being prepared.
- Paragraph 212 Annex 1: Implementation of the NPPF 2019 states that policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of publication. This includes the use of the standard methodology for calculating housing supply as set out in Planning Practice Guidance on Housing and economic development needs assessments. The methodology is based on the government's official household formation projections, adjusted to reflect local housing affordability and then subject to a 40% cap on any increase above projected household growth or current local plan annual requirements. Appendix 1 to this report sets out the calculation of minimum annual local housing need for Uttlesford using the standard methodology.
- The standard methodology identifies a housing requirement of 706 dwellings per annum (dpa) for Uttlesford.
- NPPF 2019 Paragraph 73(a) states that an additional buffer of 5% is required and paragraph (c) states that a buffer of 20% is required where there has been significant under delivery of housing over the previous three years. Whether there has been significant under delivery is measured using the Housing Delivery Test (HDT). The latest [HDT](#) for Uttlesford, measured in 2020, indicates that there has been 124% of the required delivery in the last three years. Furthermore, completions data for the current monitoring year (2019/20) indicates substantially reduced numbers of completions, due to the coronavirus pandemic.

Year	Delivery	Target based emerging Local Plan	Target based on standard methodology
2017/2018	966	568	706
2018/2019	985	568	706
2019/2020	522	568	706
TOTAL	2473	1,704	2,118
Over Supply		+ 769	+355

Housing Supply

- Appendix 2 lists, all the sites which are considered to provide housing during the period up to 2033. There are 9 categories of site and Appendix 2 lists the sites with planning permission.
- It also includes an allowance for windfall sites of 70 dwellings per year based on historic rates of completions on windfall sites and the policy context in which they are likely to continue to be provided at this rate. The evidence for this allowance is set out in the Housing Supply Windfall Allowance (UDC, 2017) paper available on the [website](#).



11. To avoid double counting, no allowance for windfall is made in the three years 2020/21-2022/23, and all deliverable sites are assumed to have planning permission. Small sites with planning permission have been included and are assumed to be completed in the next three years, this is in line with the evidence presented in the windfall allowance paper. This source of supply has been discounted to 63% to reflect the evidence around delivery of windfall sites, again this is in line with the evidence presented in the windfall allowance paper. There are 526 dwellings with planning permission on sites delivering 5 or less homes (net), discounting this source to 63% results in 330 homes assumed to be deliverable.

12. The 9 categories are

1. under construction
2. with planning permission (full or reserved matters covering whole site)
3. with outline permission with part(s) covered by reserved matters
4. with outline only
5. where full, outline or reserved matters at post committee resolution subject to S106 negotiations
6. with application submitted
7. with pre-application discussions occurring
8. allocation only
9. draft allocation – zero currently from this source

13. Tables 2 to 4 below sets out the actual and estimated completions for each year during the plan period. The tables show estimated completions with and without the draft allocations.

Year	11/1	12/1	13/1	14/1	15/1	16/1	17/1	18/1	19/2	Total
Completions	486	540	496	463	551	727	966	985	522	5,736

Year	20/21	21/22	22/23	23/24	24/25	Total
	Year 1	Year 2	Year 3	Year 4	Year 5	
estimated completions years 1-5	417	627	661	365	240	2,310

Year	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33
	6	7	8	9	10	11	12	13
Estimated completions (sites with planning permission + windfall allowance)	210	240	240	240	220	190	190	180



Calculation of 5 year housing land supply

14. Table 5 shows the calculation of the 5 year housing land supply. It is based on the target of 706 dwellings per annum calculated by the standard methodology as set out in Appendix 1. It applies a 5% buffer, as justified in paragraph 8 above, of 177 dwellings.

15. Note the below calculation does not include an element of 'shortfall'. The PPG states that:

The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgfield approach). If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.

16. The draft Uttlesford Local Plan (2020) is at a very early stage and does not include any proposed housing allocations at this stage, future stages will include draft housing allocations The Uttlesford Local Plan 2005 is adopted, but the end date for this plan is 2011 and the target is no longer relevant.

17. The HDT allows for any under delivery in the last three years to feed into the 5YHLS calculation.

Table 5 Calculation of 5 year housing supply		Supply from sites with planning permission+ windfall allowance only
Annual Target		706
Target years 1 – 5	706 x 5	3,530
5% of target	3,530 x 0.05	176.5
Overall target	3,530 + 176.5	3,711.5
Supply	417 + 627 + 661 + 365 + 240	2310
% of target available on deliverable sites	2,310/ 3,712 x 100	62.2%
Supply in years	(2,310 / 3712) x 5	3.11 years
Deficit/Surplus	2,310 – 3,712	-1,402



Appendix 1:
Calculation of minimum local housing need using the standard method.

The methodology is set in the Planning Practice Guidance on [Housing and economic development needs assessments](#).

Step 1 – Setting the baseline

Set the baseline using national [household growth projections](#) (2014-based household projections in England, table 406 unitary authorities and districts in England) for the area of the local authority. Using these projections, calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period). Note that the figures displayed are rounded and individual cells need to be viewed in order to see the full number.

Number of households 2020	36,550
Number of households 2030	41,593
Household growth 2020 - 2030	5,043
Average annual household growth	504.3 per year
<small>Source: 2014-based Live Tables on household projections: Table 406: Household projections by District, England, 1991 - 2039</small>	

Step 2 – An adjustment to take account of affordability

Then adjust the average annual projected household growth figure (as calculated in step 1) based on the affordability of the area.

The most recent [median workplace-based affordability ratios](#), published by the Office for National Statistics at a local authority level, should be used.

For each 1% increase in the ratio of house prices to earnings, where the ratio is above 4, the average household growth should be increased by a quarter of a percent. No adjustment is applied where the ratio is 4 or below. Where an adjustment is to be made, the precise formula is as follows:

$$\text{Adjustment factor} = \left(\frac{\text{Local affordability ratio} - 4}{4} \right) \times 0.25$$

Uttlesford's most recent median workplace based affordability ratio		13.54
Adjustment factor	$((13.54 - 4) / 4) \times 0.25 =$	0.59625
Minimum annual local housing need figure	$(1 + 0.59625) \times 504.3 =$	804.98
<small>Source: Housing affordability in England and Wales: 2019, Table 5c Ratio of median house price to median gross annual (where available) workplace-based earnings by local authority district, England and Wales, 1997 to 2018</small>		



Step 3 – Capping the level of any increase

A cap is then applied which limits the increases an individual local authority can face. How this is calculated depends on the current status of relevant strategic policies for housing.

Where these policies were adopted within the last 5 years (at the point of making the calculation), the local housing need figure is capped at 40% above the average annual housing requirement figure set out in the existing policies.

This also applies where the relevant strategic policies have been reviewed by the authority within the 5 year period and found to not require updating.

For areas covered by spatial development strategies, the relevant strategic policies are those contained within the spatial development strategy. For example, where a requirement figure for an authority in a spatial development strategy differs from that in a local plan, the figure in the spatial development strategy should be used.

Where the relevant strategic policies for housing were adopted more than 5 years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of:

- a. the projected household growth for the area over the 10 year period identified in step 1; or
- b. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).

Average annual housing requirement in existing relevant policies		N/a
Average annual household growth over ten years	As per step 1	504.3
The minimum annual local housing need figure	As per step 2	804.98
The cap is set at 40% above the projected household growth for the area over the 10 year period identified in step 1	$504.3 + (40\% \times 504.3) = 504.3 + 201.72$	706.02
Average annual household requirement		706



Site	PLANNING/CONSTRUCTION AUTHORITY	POLICY REFERENCE	PLAN REFERENCE	Date of Permission	Capacity (dwelling)	Units (sq)	Site Address	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	2043/44	2044/45	2045/46	2046/47	2047/48	2048/49	2049/50	2050/51	2051/52	2052/53	2053/54	2054/55	2055/56	2056/57	2057/58	2058/59	2059/60	2060/61	2061/62	2062/63	2063/64	2064/65	2065/66	2066/67	2067/68	2068/69	2069/70	2070/71	2071/72	2072/73	2073/74	2074/75	2075/76	2076/77	2077/78	2078/79	2079/80	2080/81	2081/82	2082/83	2083/84	2084/85	2085/86	2086/87	2087/88	2088/89	2089/90	2090/91	2091/92	2092/93	2093/94	2094/95	2095/96	2096/97	2097/98	2098/99	2099/00	2100/01	2101/02	2102/03	2103/04	2104/05	2105/06	2106/07	2107/08	2108/09	2109/10	2110/11	2111/12	2112/13	2113/14	2114/15	2115/16	2116/17	2117/18	2118/19	2119/20	2120/21	2121/22	2122/23	2123/24	2124/25	2125/26	2126/27	2127/28	2128/29	2129/30	2130/31	2131/32	2132/33	2133/34	2134/35	2135/36	2136/37	2137/38	2138/39	2139/40	2140/41	2141/42	2142/43	2143/44	2144/45	2145/46	2146/47	2147/48	2148/49	2149/50	2150/51	2151/52	2152/53	2153/54	2154/55	2155/56	2156/57	2157/58	2158/59	2159/60	2160/61	2161/62	2162/63	2163/64	2164/65	2165/66	2166/67	2167/68	2168/69	2169/70	2170/71	2171/72	2172/73	2173/74	2174/75	2175/76	2176/77	2177/78	2178/79	2179/80	2180/81	2181/82	2182/83	2183/84	2184/85	2185/86	2186/87	2187/88	2188/89	2189/90	2190/91	2191/92	2192/93	2193/94	2194/95	2195/96	2196/97	2197/98	2198/99	2199/00	2200/01	2201/02	2202/03	2203/04	2204/05	2205/06	2206/07	2207/08	2208/09	2209/10	2210/11	2211/12	2212/13	2213/14	2214/15	2215/16	2216/17	2217/18	2218/19	2219/20	2220/21	2221/22	2222/23	2223/24	2224/25	2225/26	2226/27	2227/28	2228/29	2229/30	2230/31	2231/32	2232/33	2233/34	2234/35	2235/36	2236/37	2237/38	2238/39	2239/40	2240/41	2241/42	2242/43	2243/44	2244/45	2245/46	2246/47	2247/48	2248/49	2249/50	2250/51	2251/52	2252/53	2253/54	2254/55	2255/56	2256/57	2257/58	2258/59	2259/60	2260/61	2261/62	2262/63	2263/64	2264/65	2265/66	2266/67	2267/68	2268/69	2269/70	2270/71	2271/72	2272/73	2273/74	2274/75	2275/76	2276/77	2277/78	2278/79	2279/80	2280/81	2281/82	2282/83	2283/84	2284/85	2285/86	2286/87	2287/88	2288/89	2289/90	2290/91	2291/92	2292/93	2293/94	2294/95	2295/96	2296/97	2297/98	2298/99	2299/00	2300/01	2301/02	2302/03	2303/04	2304/05	2305/06	2306/07	2307/08	2308/09	2309/10	2310/11	2311/12	2312/13	2313/14	2314/15	2315/16	2316/17	2317/18	2318/19	2319/20	2320/21	2321/22	2322/23	2323/24	2324/25	2325/26	2326/27	2327/28	2328/29	2329/30	2330/31	2331/32	2332/33	2333/34	2334/35	2335/36	2336/37	2337/38	2338/39	2339/40	2340/41	2341/42	2342/43	2343/44	2344/45	2345/46	2346/47	2347/48	2348/49	2349/50	2350/51	2351/52	2352/53	2353/54	2354/55	2355/56	2356/57	2357/58	2358/59	2359/60	2360/61	2361/62	2362/63	2363/64	2364/65	2365/66	2366/67	2367/68	2368/69	2369/70	2370/71	2371/72	2372/73	2373/74	2374/75	2375/76	2376/77	2377/78	2378/79	2379/80	2380/81	2381/82	2382/83	2383/84	2384/85	2385/86	2386/87	2387/88	2388/89	2389/90	2390/91	2391/92	2392/93	2393/94	2394/95	2395/96	2396/97	2397/98	2398/99	2399/00	2400/01	2401/02	2402/03	2403/04	2404/05	2405/06	2406/07	2407/08	2408/09	2409/10	2410/11	2411/12	2412/13	2413/14	2414/15	2415/16	2416/17	2417/18	2418/19	2419/20	2420/21	2421/22	2422/23	2423/24	2424/25	2425/26	2426/27	2427/28	2428/29	2429/30	2430/31	2431/32	2432/33	2433/34	2434/35	2435/36	2436/37	2437/38	2438/39	2439/40	2440/41	2441/42	2442/43	2443/44	2444/45	2445/46	2446/47	2447/48	2448/49	2449/50	2450/51	2451/52	2452/53	2453/54	2454/55	2455/56	2456/57	2457/58	2458/59	2459/60	2460/61	2461/62	2462/63	2463/64	2464/65	2465/66	2466/67	2467/68	2468/69	2469/70	2470/71	2471/72	2472/73	2473/74	2474/75	2475/76	2476/77	2477/78	2478/79	2479/80	2480/81	2481/82	2482/83	2483/84	2484/85	2485/86	2486/87	2487/88	2488/89	2489/90	2490/91	2491/92	2492/93	2493/94	2494/95	2495/96	2496/97	2497/98	2498/99	2499/00	2500/01	2501/02	2502/03	2503/04	2504/05	2505/06	2506/07	2507/08	2508/09	2509/10	2510/11	2511/12	2512/13	2513/14	2514/15	2515/16	2516/17	2517/18	2518/19	2519/20	2520/21	2521/22	2522/23	2523/24	2524/25	2525/26	2526/27	2527/28	2528/29	2529/30	2530/31	2531/32	2532/33	2533/34	2534/35	2535/36	2536/37	2537/38	2538/39	2539/40	2540/41	2541/42	2542/43	2543/44	2544/45	2545/46	2546/47	2547/48	2548/49	2549/50	2550/51	2551/52	2552/53	2553/54	2554/55	2555/56	2556/57	2557/58	2558/59	2559/60	2560/61	2561/62	2562/63	2563/64	2564/65	2565/66	2566/67	2567/68	2568/69	2569/70	2570/71	2571/72	2572/73	2573/74	2574/75	2575/76	2576/77	2577/78	2578/79	2579/80	2580/81	2581/82	2582/83	2583/84	2584/85	2585/86	2586/87	2587/88	2588/89	2589/90	2590/91	2591/92	2592/93	2593/94	2594/95	2595/96	2596/97	2597/98	2598/99	2599/00	2600/01	2601/02	2602/03	2603/04	2604/05	2605/06	2606/07	2607/08	2608/09	2609/10	2610/11	2611/12	2612/13	2613/14	2614/15	2615/16	2616/17	2617/18	2618/19	2619/20	2620/21	2621/22	2622/23	2623/24	2624/25	2625/26	2626/27	2627/28	2628/29	2629/30	2630/31	2631/32	2632/33	2633/34	2634/35	2635/36	2636/37	2637/38	2638/39	2639/40	2640/41	2641/42	2642/43	2643/44	2644/45	2645/46	2646/47	2647/48	2648/49	2649/50	2650/51	2651/52	2652/53	2653/54	2654/55	2655/56	2656/57	2657/58	2658/59	2659/60	2660/61	2661/62	2662/63	2663/64	2664/65	2665/66	2666/67	2667/68	2668/69	2669/70	2670/71	2671/72	2672/73	2673/74	2674/75	2675/76	2676/77	2677/78	2678/79	2679/80	2680/81	2681/82	2682/83	2683/84	2684/85	2685/86	2686/87	2687/88	2688/89	2689/90	2690/91	2691/92	2692/93	2693/94	2694/95	2695/96	2696/97	2697/98	2698/99	2699/00	2700/01	2701/02	2702/03	2703/04	2704/05	2705/06	2706/07	2707/08	2708/09	2709/10	2710/11	2711/12	2712/13	2713/14	2714/15	2715/16	2716/17	2717/18	2718/19	2719/20	2720/21	2721/22	2722/23	2723/24	2724/25	2725/26	2726/27	2727/28	2728/29	2729/30	2730/31	2731/32	2732/33	2733/34	2734/35	2735/36	2736/37	2737/38	2738/39	2739/40	2740/41	2741/42	2742/43	2743/44	2744/45	2745/46	2746/47	2747/48	2748/49	2749/50	2750/51	2751/52	2752/53	2753/54	2754/55	2755/56	2756/57	2757/58	2758/59	2759/60	2760/61	2761/62	2762/63	2763/64	2764/65	2765/66	2766/67	2767/68	2768/69	2769/70	2770/71	2771/72	2772/73	2773/74	2774/75	2775/76	2776/77	2777/78	2778/79	2779/80	2780/81	2781/82	2782/83	2783/84	2784/85	2785/86	2786/87	2787/88	2788/89	2789/90	2790/91	2791/92	2792/93	2793/94	2794/95	2795/96	2796/97	2797/98	2798/99	2799/00	2800/01	2801/02	2802/03	2803/04	2804/05	2805/06	2806/07	2807/08	2808/09	2809/10	2810/11	2811/12	2812/13	2813/14	2814/15	2815/16	2816/17	2817/18	2818/19	2819/20	2820/21	2821/22	2822/23	2823/24	2824/25	2825/26	2826/27	2827/28	2828/29	2829/30	2830/31	2831/32	2832/33	2833/34	2834/35	2835/36	2836/37	2837/38	2838/39	2839/40	2840/41	2841/42	2842/43	2843/44	2844/45	2845/46	2846/47	2847/48	2848/49	2849/50	2850/51	2851/52	2852/53	2853/54	2854/55	2855/56	2856/57	2857/58	2858/59	2859/60	2860/61	2861/62	2862/63	2863/64	2864/65	2865/66	2866/67	2867/68	2868/69	2869/70	2870/71	2871/72	2872/73	2873/74	2874/75	2875/76	2876/77	2877/78	2878/79	2879/80	2880/81	2881/82	2882/83	2883/84	2884/85	2885/86	2886/87	2887/88	2888/89	2889/90	2890/91	2891/92	2892/93	2893/94	2894/95	2895/96	2896/97	2897/98	2898/99	2899/00	2900/01	2901/02	2902/03	2903/04	2904/05	2905/06	2906/07	2907/08	2908/09	2909/10	2910/11	2911/12	2912/13	2913/14	2914/15	2915/16	2916/17	2917/18	2918/19	2919/20	2920/21	2921/22	2922/23	2923/24	2924/25	2925/26	2926/27	2927/28	2928/29	2929/30	2930/31	2931/32	2932/33	2933/34	2934/35	2935/36	2936/37	2937/38	2938/39	2939/40	2940/41	2941/42	2942/43	2943/44	2944/45	2945/46	2946/47	2947/48	2948/49	2949/50	2950/51	2951/52	2952/5
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REPRESENTATION 9: Galliard Homes (LDA Design)

LDA STEBBING NP OBJECTION FINAL

L D A DESIGN

DRAFT STEBBING NEIGHBOURHOOD PLAN REG 16 CONSULTATION
REPRESENTATIONS ON BEHALF OF GALLIARD HOMES

POLICY STEB 5

– 1.INTRODUCTION

1.1 Galliard Homes has control over land fronting the B1256, former A120, at Stebbing. This has been secured through an option with the landowner. The option extends eastwards into land that falls within neighbouring Braintree District, and the full extent is illustrated on the plan enclosed (Appendix 1) with these representations.

1.2 Galliard has consistently promoted the land to comprise the early phases of the previously proposed West of Braintree Garden Community, as one of the three N Essex Garden Communities. This promotion has included through two previous Uttlesford Local Plans, and currently in the Call for Sites of the newly emerging Local Plan to guide the development in the District through to 2040. The promotion of West of Braintree was also undertaken through the North Essex Strategic Plan Section 1 (including Braintree) now adopted.

1.3 The promotion has been carried out in co-operation with the Andrewsfield Consortium/Countryside Properties which controls land to the north and east of the Galliard option land. ANSC/Countryside will be submitting separate objections to the Stebbing Neighbourhood Plan.

1.4 The principle of this location for a Garden Community has been supported by both Uttlesford and Braintree Councils through Reg 19 and Submitted Local Plans, and the subsequent Examinations in Public.

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1.5 The N Essex Strategic Plan Inspector ultimately found the West of Braintree GC 'unsound' but this was on 'marginal' viability grounds and lack of certainty for the provision of transport infrastructure, rather than any unsuitability of the site or location.

1.6 Extensive site suitability investigations have been carried out by Uttlesford Council, including considerations of landscape quality and impact. An important element of the Uttlesford Council Local Plan Evidence Base has been provided by the 2017 Landscape Appraisal by Chris Blandford Associates. (Appendix 2) After a thorough assessment of landscape quality its conclusion gave the confidence that, in landscape terms, a garden community could be satisfactorily absorbed in this location, without the need for additional protective designations. The zone of highest landscape sensitivity was in fact identified across the boundary in neighbouring Braintree, in the CBA Report. This is clearly indicated on figure WB3 in the Report, as is the absence of any features of note or need for additional protection, in the proposed landscape wedge area. In fact, future development would, in principle, provide the opportunity to deliver one of the CBA Report recommendations, which is to improve connections to and between the local public right of way network.

2. THE NEIGHBOURHOOD PLAN PROPOSALS

2.1 It is clear from Core Objective iv) of the Neighbourhood Plan that the 'landscape wedge' is a device to frustrate any future proposals for a garden community or similar strategic development. No major strategic development would be 'ad-hoc'; it would emerge through the Local Plan process with full engagement with local communities and be part of a properly constructed spatial strategy that reflected the highest standards of place making to deliver the future development requirements for Uttlesford. Frequent references to 'speculative development' in Chapter 5 only reinforce the feeling that the Plan is as much concerned with trying to prevent development as protecting the landscape for its own sake.

2.2 Galliard firmly believes the NP has not adopted the most appropriate approach to developing a positive relationship between development and landscape. The Stebbing Community will be aware that

Galliard has consistently shown an illustrative but generous buffer adjacent to Stebbing Green in its Concept Vision. It has treated Great Saling with similar sensitivity at the north-eastern boundary. Illustrative plans by the Andrewsfield Consortium/Countryside have adopted a similar approach, and there is also agreement that Andrewsfield Airfield will not form part of any development area and its own open setting will be created as part of any wider master plan.

2.3 Galliard does agree that some form of 'buffer' to prevent the coalescence between Stebbing Green and any future development to the east and to provide Stebbing Green with an appropriate setting are legitimate planning objectives. They certainly are, but the present proposed policy is something of a blunt instrument. We suggest there is no need for such a policy at all at the present moment. In the event that the West of Braintree Garden Community or a similar scale strategic development proposal comes forward, the needs of development, landscape and the existing settlements and their communities should be considered alongside each other, in a complementary manner, and not prejudiced by a pre-emptive move, in isolation.

2.4 In any event, there is no support other than in the Neighbourhood Plan's own Evidence Base for a further layer of protection of the area indicated in STEB 5. Indeed, a 'landscape wedge/buffer' would go beyond the strategic Countryside Policies that apply to the area as contained in the adopted Uttlesford Local Plan 2005.

2.5 Paragraph 29 of the NPPF advises that

'Neighbourhood plans should not promote less development than set out in the strategic policies for

the area, or undermine those strategic policies,' and footnote 18 continues

'Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area'.

4 of 9

The addition of a further layer of policy control as proposed in STEB 5 is not in conformity with the prevailing strategic policy of the Local Plan. In fact, it will achieve nothing beyond the function already carried out by the Local Plan Countryside Policies. It will introduce a greater level of restriction not anticipated by the Local Plan.

2.6 Paragraph 13 of the NPPF also draws a distinction between the strategic policies of a Local Plan and Neighbourhood Plans that should only contain non-strategic policies.

'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies'.

2.7 What STEB5 is designed to do is frustrate a development proposal that, if it was the subject of a Local Plan Policy, it would be a strategic policy. It is not the role of Neighbourhood Plans to restrict the delivery of strategic local plan policies.

2.8 A similar issue arose during the Examination of the neighbouring Braintree Local Plan in 2004, when considering proposals for 'green wedges'. (Appendix 3) While some of the policy references are, of course, out of date, the principle is very much that which faces us here. To quote the Inspector's Report

'7.11.2 Paragraph 25 of PPS7 is particularly relevant to consideration of land designated as 'green wedge' in the District. To paraphrase the guidance: "Local landscape designations should only be maintained...where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection" and "When reviewing their local plans, planning authorities should rigorously consider the justification for retaining existing local landscape designations...(and)...they should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned". The thrust of the guidance paragraph 25 is

that there must be robust and compelling reasons for the retention of the 'green wedge' land designation in the Plan.

7.11.7 Residents of the District value RLP 84 for the 'extra level of protection' it affords to areas of countryside between settlements. The first sentence of RLP 73A, which begins "The countryside will be protected for its own sake...", provides all the protection necessary to prevent inappropriate development in all countryside areas including those between settlements. A proposal E development is no more unacceptable if it is in conflict with two Plan policies than if it is in conflict with only one. No other matters mentioned by the Council or Objectors, either individually or collectively, outweigh the conclusion that there are no robust or compelling reasons for the retention of the 'green wedge' land.'

2.9 In the Uttlesford Local Plan 2005, the 'Countryside' Policy reads as follows.

'Policy S7 – The Countryside - The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning

permission will only be given for development that needs to take place there or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.'

2.10 We see a close parallel here with the situation faced by the Braintree Local Plan Inspector. The wording of S7 achieves everything the Stebbing Community is seeking. Policy STEB 5 adds nothing. There are no 'Landscape Wedges' identified in the Uttlesford Local Plan, and there is no justification for introducing such a category to overlay the land already subject to S7 between

Stebbing Green and the local authority boundary.

2.11 In addition to Policy S7 of the Uttlesford Local Plan 2005, the intended protection function of STEB 5 is further duplicated by Local Plan Policies ENV 3 – Open Spaces and Trees, ENV 7 – Natural Environment Designated Sites, ENV 8 – Landscape Important for Nature Conservation and ENV 9 – Historic Landscape. The Neighbourhood Plan recognises as much in its Basic Conditions Statement Table 3. Furthermore, there are policies ENV 1 and 2 that deal with the built environment, as well as the Neighbourhood Plan’s own STEB 1. All of these more than adequately respond to the matters STEB 5 is supposed to address.

With the frequent references throughout the Stebbing NP to ‘ad hoc’ and ‘speculative’ development it is impossible not to view STEB 5 as a catch-all attempt to prevent possible development at some time in the future. All of the draft policy’s quite reasonable social and environmental objectives are covered by existing local plan policies leaving its primary purpose to resist some unspecified development for which there is no formal proposal.

2.12 In Galliard’s view, the correct approach, in the event of a future development proposal would be for the community, local authority and promoter to work together to create a concept that was truly landscape-led but informed by development aspirations so that a positive relationship between people, place and the natural environment can be achieved. Landscape will make a substantial contribution to green infrastructure, but holistic consideration is what is required. There is nothing to be achieved by proceeding now with an unjustified additional layer of control in isolation. The absence of a ‘landscape wedge’ will not prejudice the local community’s future ability to help shape any development in the slightest.

2.13 Certainly, a landscape buffer will be provided for, but this would be in the context of a future development proposal, not in isolation. The suggestion that Boxted Wood itself requires a further landscaped setting will require further examination, and this would be the subject of further collaborative investigation, including with Stebbing Parish Council and/or the Neighbourhood Plan Group.

2.14 We believe Galliard’s views are consistent with some of those expressed by Uttlesford District Council.

We attach as Appendix 4 the comments made by the Local Planning Authority at the Stebbing Neighbourhood Plan Reg 14 stage. We draw attention in particular to the following

– ‘Paras 5.4 – 5.7 Page 29

These paragraphs provide the rationale for the introduction of a green wedge. It seems that the green wedge is a response to the WoBGC proposal. Since there is no West of Braintree GC proposal within Uttlesford now and there is much increased uncertainty over the proposal in Braintree after their latest letter is it still appropriate to include this green wedge policy particularly if there are no current proposals in Uttlesford?

Within this context, why propose an area subject to extra restraint, over and above the fact that it is countryside, in this part of the parish? Any NP proposal is not meant to stop/prejudice development.

Policy STEB4: Protection of Green Wedge (page 38)

From a general planning perspective, the rationale for the green wedge will need to be reviewed if the WoBGC is no longer in the pipeline. If there is no WoBGC in the pipeline, the purpose of the green wedge cannot be to prevent coalescence. It is suggested that the second sentence in the policy will then have to be reviewed and perhaps best removed altogether.’

2.15 The thrust of the Council’s comments is the same as Galliard’s own objection. There is absolutely no justification for overlaying existing Countryside policies in the Uttlesford Local Plan with an additional Landscape Wedge restriction.

2.16 Furthermore, as the Council says

‘Any NP proposal is not meant to stop/prejudice development’.

2.17 The Council also recognises this is clearly the intention of Policy STEB5. As Galliard has said, should development proposals come forward in the future, and not necessarily only for a garden community, it would be an important objective to agree how these could be framed by the landscape, including suitable separation from all existing communities, not just Stebbing, but nearby Great Saling and Rayne too. There may be subtler ways of achieving separation, not just adopting the somewhat 'blunt instrument' approach of a wedge. Approval of a wedge in the Neighbourhood Plan and its accompanying policy would make an examination of alternative landscape responses more difficult to carry out.

2.18 In the event of any future development proposals the beneficial ways in which landscape can be used should be examined holistically. How a potential proposal can create a landscape that will foster links with the wider environment through new or supplemented green infrastructure. A 'wedge' policy will certainly prejudice taking that wider view and potentially reduce community benefits.

3. SUMMARY OF GALLIARD OBJECTION

3.1 The proposed landscape wedge serves no purpose. There are existing Local Plan Countryside Policies that provide appropriate protection to the area in question.

3.2 No study carried out by or on behalf of Uttlesford District Council has identified any justification for creating a landscape buffer or wedge in the manner or location proposed by NP Policy STEB5.

3.3 Such a wedge may well prejudice a holistic approach to future landscape use and creation, in the event of a development proposal.

3.4 There is no current development proposal in the vicinity of Stebbing Green to justify an attempt to prevent coalescence, as there is nothing to coalesce.

3.5 The policy STEB5 is clearly a device to prevent a specific proposal, and a policy of this

nature has no place in a planning policy document.

4. CONCLUSION

4.1 It is Galliard's view that the Neighbourhood Plan as drafted does not meet the prescribed Basic Conditions. The Plan, and specifically Policy STEB5, does not fully reflect national policies and advice contained in guidance issued by the Secretary of State, nor is it in general conformity with the strategic policies contained in the Development Plan for the area, for the reasons explained above.

4.2 Policy STEB5 should be deleted in order to address these shortcomings.

4.3 Please would you draw these comments to the attention of the independent Examiner.



LDA Design
Sept 2021

REPRESENTATION 9: Galliard Homes (LDA Design) (contd.)

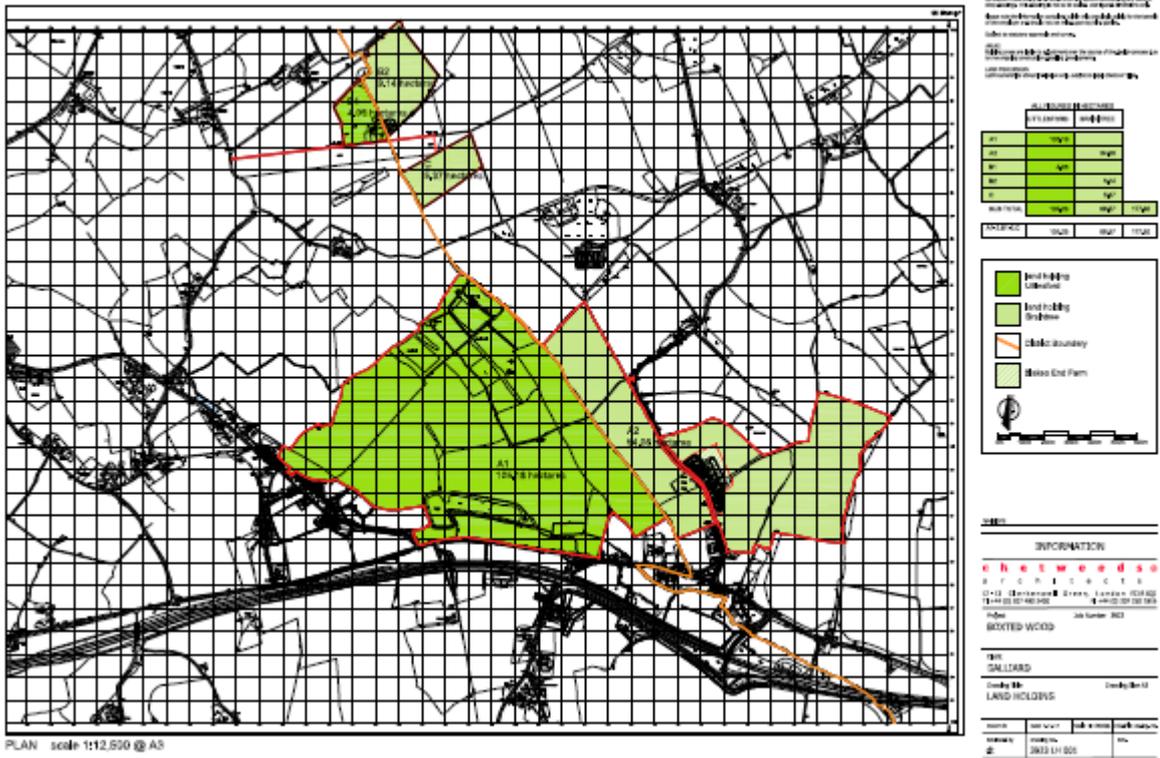
STEBBING NEIGHBOURHOOD PLAN POLICY STEB5 OBJECTION BY GALLIARD HOMES

APPENDICES

1. Land under Galliard option control, Uttlesford and Braintree
2. Figure WB3 extract from Chris Blandford Associates Report – West of Braintree Landscape and Visual Appraisal, 2017, on behalf of Uttlesford Council
3. Extract from Inspector’s Report on Braintree Local Plan 2004, regarding policy for Green Wedges
4. Uttlesford Council comments on draft Stebbing Neighbourhood Plan, Reg 14 stage

REPRESENTATION 9: Galliard Homes (LDA Design) (contd.)

Appendix 1: Site Plan Showing the Extent of Galliard Land Holding



REPRESENTATION 9: Galliard Homes (LDA Design) (contd.)

Appendix 2: Extract from Chris Blandford Associates Report

CHRIS BLANDFORD ASSOCIATES
landscape | environment | heritage



Uttlesford District Council
Land West of Braintree
Landscape & Visual Appraisal

June 2017

REPRESENTATION 9: Galliard Homes (LDA Design) (contd.)

Pages from CBA Landscape Appraisal



CHRIS BLANDFORD ASSOCIATES
landscape | environment | heritage

LAND WEST OF BRAINTREE
LITTLESHORE DISTRICT COUNCIL

FIGURE M18.3
LANDSCAPE OPPORTUNITIES AND CONSTRAINTS PLAN

June 2012
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REPRESENTATION 9: Galliard Homes (LDA Design) (contd.)

Appendix 3: Extract from Inspector's Report on Braintree Local Plan 2004, regarding policy for Green Wedges

Braintree District Local Plan Review Inspector's Report
Part One- General Policies and Reasoned Justification

Inspectors Reasoning and Conclusions

7.10.1 Amendments made at Revised Deposit and Pre-Inquiry stages generally satisfy objections and (c) in RLP 83 relates to both existing and proposed bridleways.

RECOMMENDATION

I recommend no change to the Plan.

7.11 Paragraph P7.17/ Policy RLP 84: Green Wedges

The Objections

187-384-P7.17	Bradwell Parish Council
327-701-P7.17	Berkeley Strategic Land Ltd
327-702-RLP84	Berkeley Strategic Land Ltd
355-801-RLP84	Mr and Mrs Kenny (see site 1.32)
370-893-RLP84	CML Microsystems and Chelmsford Dioscesan Board of Finance
361-846-RLP84	Bellway Homes/Swan Hill Homes
387-1005-RLP84	Hunnable Investments Ltd (see site 1.6)
392-1027-RLP84	Mr R J Hawkes
433-1166-RLP84	David Wilson Estates
494-1388-RLP84	English Nature
495-1385-RLP84	Wilcon Homes Anglia
500-1423-RLP84	The Springwood Trust

Objections to Proposed Change 1

187-3178-P7.17.R Bradwell Parish Council

Objections to Proposed Change 2

1017-4842-P7.17.P Cllr James Abbot (see site 1.46)

Main Issues

- a) Whether there should be a green wedge between Bradwell and Braintree (187)
- b) Whether the green wedge between Great Notley and Braintree should be redrawn (327)
- c) Whether an immediate review of green wedges should take place (327)
- d) Whether the policy should be deleted and green wedges removed (370, 361)

Braintree District Local Plan Review Inspector's Report
Part One- General Policies and Reasoned Justification

- e) Whether site specific objections should be accepted (355, 374, 387, 392, 468, 495, 500)
- f) Whether the policy should rule out development altogether (433)
- g) Whether green wedges should also be designated as corridors between urban centres and rural areas (494)
- h) Whether the loss of the green wedges on the change map should be reinstated (1017)

Inspectors Reasoning and Conclusions

7.11.1 Council and Objector written representations mainly refer to PPG7 because this guidance was not superseded by PPS7 until after the close of the Inquiry. PPG7 is no longer current government guidance, except for Annex E which is not relevant, and this report must refer instead to PPS7. However, guidance relating to local landscape designations in PPS7 is similar to that in PPG7 and reference to PPS7 alone will not prejudice either the Council or any Objector. Reference to LDDs in PPS7 applies equally, at this present time, to Local Plans including the Plan for Braintree District.

7.11.2 Paragraph 25 of PPS7 is particularly relevant to consideration of land designated as 'green wedge' in the District. To paraphrase the guidance: "Local landscape designations should only be maintained...where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection" and "When reviewing their local...plans...planning authorities should rigorously consider the justification for retaining existing local landscape designations...(and)...they should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned". The thrust of the guidance in paragraph 25 is that there must be robust and compelling reasons for the retention of the 'green wedge' land designation in the Plan.

7.11.3 The Council appointed consultants to review the green wedge policy and to examine the areas to which it applied. Their report, 'Review of Braintree District Local Plan – Green Wedge Policy', was published in October 2003 and therefore represents an up to date review. Section 2 of the report deals with a 'Review of Green Wedge Policy and Definition of Criteria'. The review states that 'recent government studies' were assessed but only one was referred to; this being 'Strategic Gap and Green Wedge Policies in Structure Plans' issued by the ODPM. The review, furthermore, with reference to the ODPM study, deals solely with precedent.

7.11.4 The ODPM study, as its title indicates, relates to Structure Plans. In this regard, as acknowledged in the report, the

Essex and Southend-on-Sea Replacement Structure Plan does not contain any strategic gap or green wedge policy. There is therefore no strategic support for RLP 84. Moreover, the only district in Essex referred to in the report as a precedent for RLP 84 is Colchester where an Inspector recommended, in a 2003 Local Plan Inquiry report on their strategic open land designations, that the relevant policy should be deleted. The two other boroughs in the south-east of England referred to in the report both had strategic backing for their 'gap policies'. This part of the report is not robust and does not provide any justification, in the light of guidance in PPS7, for the retention of RLP 84.

7.11.5 The report identifies two main purposes for green wedge policy; the prevention of coalescence of the built up areas and maintaining the separation of settlements. These are essentially the same because maintaining the separation of settlements would prevent their coalescence. Green wedge areas designated by the Plan are, without exception, outside development limits of settlements and therefore subject to the application of countryside policies. RLP 73A: Countryside reiterates SP policy C5 and the thrust of government guidance by stating that "The countryside will be protected for its own sake...This will be achieved by the restriction of new uses to those appropriate to a rural area, and the strict control of new building in the countryside...to that required to support, agriculture, forestry or other rural uses or development".

7.11.6 At the round table session on 'green wedges' and at other times during the Inquiry the Council accepted that the application of RLP 73A would prevent virtually all forms of development in the countryside that might result in the coalescence of settlements. They did, however, suggest that equestrian facilities and golf courses might comply with countryside policies and could therefore be permissible in areas between settlements thus leading to their coalescence. This is considerably less than a compelling justification for RLP 84. The golf course between Witham and Rivenhall, including its associated buildings, has done nothing to reduce the gap between these two settlements and, for similar reasons, equestrian centres require large areas of open land to function and are also unlikely to contribute to the coalescence of two settlements if sited between them. In any event, RLP 73A also states that "Development should be well related to existing patterns of development...". Consequently, if a proposed development appropriate to a rural area would not be well related to existing patterns of development, such as the pattern of development found between two settlements, then it could be refused permission for being in conflict with RLP 73A. This countryside policy, backed up

by national and strategic policy, is quite sufficient, on its own, to prevent the coalescence of settlements in the District.

7.11.7 Residents of the District value RLP 84 for the 'extra level of protection' it affords to areas of countryside between settlements. The first sentence of RLP 73A, which begins "The countryside will be protected for its own sake...", provides all the protection necessary to prevent inappropriate development in all countryside areas including those between settlements. A proposed development is no more unacceptable if it is in conflict with two Plan policies than if it is in conflict with only one. No other matters mentioned by the Council or Objectors, either individually or collectively, outweigh the conclusion that there are no robust or compelling reasons for the retention of the 'green wedge' land designation in the Plan.

7.11.8 RLP 84 should be deleted along with explanatory text paragraphs 7.17 and 7.17.1, the sub-heading 'Green Wedges' and all green wedge areas on Proposals and Inset Maps. Paragraph 7.16 under the heading 'Green Wedges' in Chapter 7 simply repeats strategy outlined elsewhere in the Plan and should also be deleted. Deletion of this part of the Plan, which is a stand alone element, will not delay the progress or adoption of the Plan.

7.11.9 The Council may decide not to accept the aforementioned recommendation. It is necessary, therefore, to give consideration to objections relating to individual green wedge areas on the basis that RLP 84 and designated areas are retained in the Plan. Most of these are dealt with in Part Two of this report. With regard to the objection by Bradwell Parish Council, there is a gap of at least 2.5 kms between Braintree and Bradwell and there is no intravisibility or intervisibility between the two settlements. For these and other reasons there is no justification for designating a green wedge area between Braintree and Bradwell.

RECOMMENDATIONS

I recommend that the sub-heading 'Green Wedges', explanatory text paragraphs 7.16, 7.17 and 7.17.1, and RLP 84 be deleted from the Plan.

REPRESENTATION 9: Galliard Homes (LDA Design) (contd.)

Appendix 4. Uttlesford Council comments on draft Stebbing Neighbourhood Plan, Reg 14 stage

COMMENTS ON DRAFT STEBBING NEIGHBOURHOOD PLAN

Introduction

Contents Page – Addition of page numbers to Chapters and sections would facilitate easier referencing and accessing any given paragraph

List of Maps – Page 15: the Map should be Map 3 not Map 5.

Para 1.2 – Paragraph to be updated in view of withdrawal of eLP.

Para 1.3 – Text needs updating

Para 1.4 – Page 4: *“This Neighbourhood Plan is, however, at variance with the emerging Local Plan with regard to the proposed extension of the WoBGC into Stebbing Parish. This variance is considered to be fully justified in the context of both the uncertainty over the future of the new Garden Settlement and until the final outcome of both the North Essex Authorities’ (NEAs) Joint Local Plan and the submitted Uttlesford Local Plan is known.”*

What are the implications and NP’s position to the withdrawal of the eLP and subsequent Examiner’s letter to the North Essex Authorities?

Para 1.5 – Page 7: Appendix A shows all the Local Plan Policies. The NP is required to be in general conformity with Strategic Policies in the adopted Local Plan. UDC LP 2005 Strategic Policies are provided as attachment.

Para 1.8 – Page 7: How does potential threat of WoBGC affect Stebbing now that the eLP has been withdrawn?

Para 1.9 – Page 7: *“In particular this Neighbourhood Plan seeks to protect the setting of the main village itself and the hamlet of Stebbing Green, which lies immediately adjacent to the proposed WoBGC development”.*

This paragraph appears to be a justification for frustrating development irrespective of WoBGC or not. More thought is required if you are to justify the size and location of the green wedge proposed.

Para 1.10 – Page 7: Paragraph to be updated in view of eLP withdrawal.

Page 10 – **F. Core Objectives**: Page 10 - Objectives iv and vi below need to be reviewed and amended particularly as WOBGC is no longer in the pipeline.

iv. To prevent coalescence of the various settlements and hamlets which make up the Parish and also with any development associated with proposals for WoBGC.

vi. To mitigate through appropriate policies the impact of any development associated with proposals for WoBGC upon the road infrastructure of the Parish.

Suggestion: Instead of reference to WoBGC can you replace with “possible future strategic development proposals?”

Para 1.23 – Page 11: Add “development” to read “which is focused on the *development* and *use of land*.....”

Parish specific affordable housing needs

Para 2.21 – Page 18 refers to findings of a housing needs survey undertaken in 2015. This is useful context. Does this mean that as at 2015 the affordable housing needs in the parish was understood to be 3 units? Is that correct?

NB: Please see related reference to para 2.21 in paras 6.1.and 6.3.

Chapter Four: Heritage and Conservation

Policy STEB1: Respecting Stebbing’s Heritage – Design and Character (page 26)

Suggested that the first paragraph should not be bulleted as it is a heading for the remaining bullets.

Maps should be referenced in this policy to define the different areas that the criteria is referring to provide the decision maker with clarity and certainty in determination of an application.

Are the heritage assets listed somewhere and shown on a map in the plan? It is important that the decision maker is very clear about the setting of the asset to be considered when determining an application.

Chapter Five: Landscape, The Countryside and the Natural Environment

Policy STEB3: Local Green Space (page 38)

Para 5.12 – Page 37

It is noted that paragraph 5.12 reads: The Steering Group carried out a survey of potential local green spaces for designation and followed the NPPF guidance. The details of the survey and assessment are included in the document at EB--- to justify the proposed designations included in Policy STEB 3, and as shown on Figure 8.

Generally Examiner’s tend to carefully review the assessment of proposed LGS in meeting LGS criteria. We suggest that you avail yourselves to Modicum Ltd.’s (Rachel Hogger’s) expertise to review your assessment and ensure that your proposed LGS meet the LGS criteria.

Para 5.4 – Page 29 Maybe the first sentence should refer to WoBGC as well to impact of any proposed large strategic development.

Paras 5.4 – 5.7 Page 29 These paragraphs provide the rationale for the introduction of a green wedge. It seems that the green wedge is a response to the WoBGC proposal. Since there is no West of Braintree GC proposal within Uttlesford now and there is much increased

uncertainty over the proposal in Braintree after their latest letter is it still appropriate to include this green wedge policy particularly if there are no current proposals in Uttlesford?

Within this context, why propose an area subject to extra restraint, over and above the fact that it is countryside, in this part of the parish? Any NP proposal is not meant to stop/prejudice development.

Para 5.8 -- Page 29 Last sentence of para 5.8 insert number to (EB.....).

Policy STEB4: Protection of Green Wedge (page 38)

From a general planning perspective, the rationale for the green wedge will need to be reviewed if the WoBGC is no longer in the pipeline. If there is no WoBGC in the pipeline, the purpose of the green wedge cannot be to prevent coalescence. It is suggested that the second sentence in the policy will then have to be reviewed and perhaps best removed altogether. *It will also prevent any future coalescence between Stebbing Green, other Parish development areas and the proposed West of Braintree Garden Community.*

Page 41 – Bullet Point (i) Important undeveloped gaps

The paragraph states that the suite of policies are intended to *Maintain the separation of the important undeveloped gaps between the settlements of the High Street at the core of the Village, The Downs, Bran End, Church End, Stebbing Green and Duck End so as to reinforce the strong sense of place and respecting the open views prevailing. These separations are shown on the Policies Map;*

However, the policies on the previous page do not refer to any important undeveloped gaps and the gaps are not shown on any proposals maps. Is this an omission?

Chapter 6: Housing and Design

Paras 6.1 and 6.3 – Page 43 This refers to the Ploughman's Reach scheme. Was this a rural exception site and if so was the affordable housing specifically for residents with a parish connection? If so this would be worth clarifying to the resident reader. There is also a link between this and paragraph 2.21 mentioned above.

It is noted in paragraphs 6.1 and 6.3 (page 43) reference is made to affordable housing schemes being delivered in the parish. Did these have a local connection criteria attached to them? If so, do these go towards addressing the affordable housing need or is there still a residual affordable housing need or is it not known?

Para 6.5 -- Page 44: The last two sentences read as: *These have been assessed by UDC as unsuitable. Both are now proposed to be designated as Local Green Space in this Plan.*

To avoid a situation where it could be interpreted by others that the sites have been designated as Local Green Space as a way of stopping development, we would advise revising these sentences carefully to reflect the detail.

There are two separate things to reflect:

- i. Firstly that the sites were not assessed by UDC as suitable for development and explaining why.

- ii. Secondly, as a separate issue that the same sites have been found to be demonstrably special to the Stebbing community. They are found in the LGS assessment to meet the criteria for LGS designation and are designated in the NP as LGS.

Policy STEB7 – Design Principles and Location of New Development (page 45)

What is the intention for Stebbing NP for development proposals which do not meet the three bullet points? i.e. non infill development outside the development limits and not on allocated sites. Would these be refused? If so, and for the avoidance of doubt, the plan could be made clear on this. If this is your intention then this needs to be made clearer in the policy text.

If you do decide to strengthen the plan in this regard then it is very important (to meet the basic conditions) that you can demonstrate that the plan is delivering sustainable growth and this means agreeing with UDC that your plan is delivering on your required housing requirement figure (see paragraph 66 of the NPPF).

Subject to discussion with UDC planning policy with respect to possible strategic development proposals, this could be resolved by inserting the following text after the first paragraph to read 9:

“Other than this, new development will be restricted to development complying with Policy STEB11 of this plan;

- *Development appropriate for a countryside location, defined as:*
 - *agriculture, horticulture, forestry,*
 - *outdoor recreation and*
 - *other uses which need to be located in the countryside*
- *Affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way including some market housing necessary to secure the viable delivery of the affordable homes;*
- *Residential conversion of redundant or disused rural buildings, which will enhance their setting;*
- *Subdivision of an existing dwelling;*
- *Construction of new houses of exceptional design meeting the criteria set in paragraph 79e) of the NPPF;*
- *Conversion of existing buildings and the erection of well-designed new buildings for business uses.”*

N.B. This policy will require visual impact assessments and heritage statements for each site and this is considered onerous for minor developments and areas that are not listed or in a Conservation Area

Policy STEB8: Meeting Local Needs

With regards to the last sentence referring to ‘homes suitable for lifetime occupation’. This is an example of a policy which you could possibly strengthen in light of the UDC’s decision to withdraw the Local Plan. Perhaps incorporate some elements of the Policy H10 (the third

paragraph that refers to adaptable housing). If you do this, it is important the supporting text in the NP includes the evidence and rationale to support it.

It should be noted that planning officers applications cannot refuse an application that does not meet NPPF criteria and is too small for affordable housing.

Para 6.12 – This reads as policy text and not supporting text.

A discussion is required with UDC officers on your proposal for all affordable housing units in the parish to be subject to local connection criteria. Any affordable housing coming forward as part of S106 on major sites (sites of 10 or more) normally are allocated on a district wide needs basis. Any different approach (and it could be possible) would need to be supported by evidence of parish need, together with a rationale as to why parish needs should come before district wide needs in this instance.

This is linked to the previous comments on affordable housing in the plan. It is our opinion that there is evidence presented in the plan that there is a residual need for affordable housing in the plan. The 2015 HNS reference in paragraph 2.21 in the NP suggests a very small need back in 2015. It is not being suggested that there is no/very small need, rather that the plan does not refer or evidence to there being a need.

Policy STEB10 – Sustainable Construction and Design

It is wise to incorporate the policy in the withdrawn Local Plan here.

Para 6.13 – Page 46 will need revising in the last sentence. Your justification for including this should not be that it was in the withdrawn Local Plan but should refer to evidence and rationale for why it is needed in the Stebbing NP.

Chapter 10 – Housing Allocations

Para 10.4 – Page 57 This refers to the number of houses being delivered through the plan in addition to the committed sites.

It would be in the parish's interest to demonstrate here that the NP meets the identified housing requirement so that it can be considered to provide an up to date NP for purposes of paragraph 14 of the NPPF. This means that as soon as UDC have a 3 year land supply there would be an up to date plan in Stebbing. This is also applicable to the spatial strategy presented in Policy STEB7 (page 45).

General Comment on Site Allocations: There should be a distinction between policy text and supporting text e.g. page 59, the text in the left column is policy text and text in the right column is supporting text. Policy text needs to stand out for example in a box. For clarity the Policy should be in a Box maybe with a blue background similar to that depicted in all other Plan policies.

The level of detail provided in site specific requirements differs in the policies. Policies H1, H2 and H3 provide specific site requirements whilst Policies H2, H3, H6, H7 and H8 are more supporting text than specific requirements. The latter policies need to include specific site requirements to guide the decision maker.

Specific comments to Polices:

Policy STEBH2 – Page 59: The first bullet point is descriptive text and does not assist in determining an application. Specific requirements are required to assist in determination of an application.

Policy STEBH3 – Page 61: The first bullet point is not a site specific requirement. Are there any specific site requirements to guide development of this site?

Policy STEBH6 – Page 59: As commented previously, based on the site appraisal work, you only have evidence to include the brownfield land as part of the site allocation. The site appraisal work identifies this as an amber site indicating constraints but you have not demonstrated if or how the constraints have been overcome. Policy wording is descriptive information and specific requirements are required for the development of the site to guide a decision maker.

Policy STEBH7 – Page 65: Correct spelling of poultry in policy text. Seek Highways Authority input on this as soon as possible before firming up this site allocation in the plan. The site appears to be too large for 2 to 3 dwellings. Is this efficient use of land? Are the dwellings only acceptable on the road frontage?

Policy STEBH8 – Page 66: Additional criteria for development of this site appear to be in the supporting text in the left column of the page. This criteria should be included in the policy.

REPRESENTATION 10: Brown & Co

Our ref: LJP/Harvey Partnership - 036724

Your ref:

28 September 2021

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Dear Sir/Madam

REPRESENTATION ON STEBBING NEIGHBOURHOOD PLAN SUBMISSION PUBLIC CONSULTATION (REGULATION 16)

On behalf of the Harvey Partnership, we hereby object to policy STEB5 Protection of Green Wedge detailed on page 43 and 44 of the Stebbing Neighbourhood Development Plan 2019-2033 Regulation 16 Draft v4b: July 2021. The Green Wedge/ Green Buffer proposed to the north-east of Stebbing Green is shown on Map 6: Opportunities and Constraints Plan on page 34 and the Neighbourhood Plan sets out this is to maintain the setting of Stebbing Green and Boxted Wood and prevent coalescence. The Proposed Green Wedge is also detailed in Chapter 11: The Policies Map and Schedule of Neighbourhood Plan Policies, on the Policies Map (Map 17), pages 81-82. My clients own a major part of the land proposed as the Green Wedge.

In the Stebbing Neighbourhood Plan (Regulation 16) this sets out:

“Policy STEB5 – Protection of Green Wedge

The area between Stebbing Green, New Pastures Lane, Boxted Wood and the Braintree District Council boundary, as shown on Map 6 and the Policies Map (Map 17), is designated as a Green Wedge where the open and undeveloped nature of the open valley side is to be retained in order to respect, preserve and enhance the setting and distinctive character and appearance of the Stebbing Green Character Area, Boxted Wood, the listed heritage assets and Historic Environmental Record sites. It will also protect their individual identities from potential speculative major strategic development proposals. Development proposals will only be supported in the Green Wedge if they are accompanied by a Landscape and Visual Impact Assessment and a Heritage Impact Assessment that demonstrate:

- how the predominant open nature of the landscape is retained;
- that there is no harm to the setting of Stebbing green; and
- that there is no harm to the setting of Boxted Wood ancient woodland”

The Neighbourhood Plan must conform to the Government’s ‘Basic Conditions’ as set out in the Town and Country Planning Act 1990 which must have regard to national policies (National Planning Policy Framework (NPPF) of 20 July 2021 which the Stebbing Neighbourhood Plan will be assessed against), contribute to the achievement of sustainable development and be in general conformity with the strategic policies of the development plan for the area amongst other matters.

Paragraph 37 of the NPPF 2021 sets out Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force which is tested through independent examination before the neighbourhood plan may proceed to referendum.

In the Stebbing Neighbourhood Plan, the Core Objectives on page 31 sets out iii To protect the open landscape setting to the east of the settlements of Stebbing Green and the village of Stebbing and iv. To respect, preserve and enhance the character and setting of the various settlements and hamlets which

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make up the Parish and to protect their individual identities from any future ad-hoc major strategic development proposals. These core objectives do not accord with paragraph 174 of the NPPF 2021 which sets out planning policies and decisions should contribute to and enhance the natural and local environment by in section b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural and of trees and woodland. The aim of the NPPF 2021 is not to protect but to recognise the intrinsic character and beauty of the countryside and its purpose is not to protect the countryside from any future development proposals.

Policy STEB5 is based on 'The Landscape Appraisal' by The Landscape Partnership (TLP) in March 2017 which considered the potential impact of the then proposed West of Braintree Garden Community (WoBGC) upon the setting of both of Stebbing Green and the remainder of the village with separation required from Stebbing, Boxted Wood, Stebbing Green and the then proposed WoBGC although we note Map 6 still states part of the Green Wedge is to prevent coalescence. In paragraph 5.8 of the Neighbourhood Plan it recognises the WoBGC proposals have been deleted from the North Essex Authorities Shared Strategic Section 1 Plan which was adopted by Braintree District Council on 22 February 2021 without the WoBGC. The Uttlesford Local Plan has also been withdrawn and preparation of a new Local Plan 2020-2040 underway which is at an early stage with a Call for Sites undertaken in winter/spring of 2021. The Council are now in the process of considering sites with no decision taken at this stage and the draft (Regulation 18) Local Plan is scheduled for consultation in March 2022. Therefore, there is no justification for a Green Wedge given the change in circumstances with the WoBGC as there is no need to prevent coalescence.

It is important to note Uttlesford District Council made comments at Regulation 14 stage expressing concern about the need for this policy and whilst the Green Wedge has been reconsidered and reduced, there is a very large Green Wedge still proposed for additional protection of the countryside area between Stebbing Green and Boxted Wood. Paragraph 174 of the NPPF 2021 sets out planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing the value landscapes, sites of biodiversity or geological value and soils
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural and of trees and woodland;
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and

Within Policy STEB5 the green wedge designation seeks to retain the open and undeveloped nature of the open valley side in order to respect, preserve and enhance the setting and distinctive character and appearance of the Stebbing Green Character Area, Boxted Wood, the listed heritage assets, and Historic Environmental Record sites. It is also considered this policy is not consistent with paragraph 174 of the NPPF 2021 section b) which recognises the intrinsic character and beauty of the countryside, there is no reference to protecting or preserving the countryside and the land is not set out within the policy (STEB5) as a valued landscape. The policy (STEB5) sets out a Landscape and Visual Impact Assessment and Heritage Impact Assessment would be required setting out how the landscape is retained, that there is no harm to the setting of Stebbing Green and again, this is not consistent with paragraph 174 section b) of the NPPF 2021 which does not reference to the retention of the landscape.

With regard to the impact on the setting of Boxted Wood the policy (STEB5) sets out a requirement to demonstrate "That there is no harm to the setting of Boxted Wood Ancient Woodland". This policy is not consistent with paragraph 180 of the NPPF 2021 as this is for determination with a planning application where consideration would be given to the impact on the ancient woodland and any public benefits.

The Neighbourhood Plan is required to be in general conformity with strategic policies in the adopted Local Plan. In Appendix A of the Neighbourhood Plan its sets out the policies UDC considers are strategic in the adopted Local Plan (2005) for the purposes of neighbourhood planning. The land is currently designated as open countryside in the Uttlesford Local Plan adopted in January 2005 and in July 2007 the Council made an application to save the policies in the Uttlesford District Local Plan. The Secretary of State's direction in respect of this request was receive in December 2007, all the policies except two which related to completed development sites in Takeley have been saved. The land is currently open

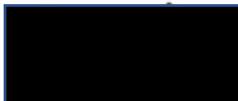
countryside within the Uttlesford District Local Plan (2005) saved policies with any development requiring planning permission with scrutiny based on the current planning policies in force and would adequately consider the impact on the countryside and landscape as well as Boxted Wood. Fundamentally, the land is not currently designated as a green wedge and the draft Uttlesford Local Plan is at an early stage. Therefore, the Neighbourhood Plan does not conform to the Government's 'Basic Conditions' as set out in the Town and Country Planning Act 1990 which must be in general conformity with the strategic policies of the development plan for the area and there is no justification for the green wedge policy.

In conclusion policy STEB 5 does not meet the Government's 'Basic Conditions' as set out in the Town and Country Planning Act 1990 which must have regard to national policies as the policy is inconsistent with the NPPF 2021, nor does it conform with the strategic policies of the development plan for the area as the land is not a green wedge at present in the Uttlesford District Local plan (2005). The emerging Uttlesford District Local Plan is at a very early stage and would need to consider any potential development as part of the plan making process. The policy (STEB5) is also seeking to protect the individual identities from potential speculative major strategic development proposals which is not justified. The draft Uttlesford Local Plan as set out in paragraph 35 of the NPPF 2021 (once it gets to the examination stage) will be examined to assess whether the plan is 'sound' and will need to ensure it is positively prepared, justified, effective, consistent with national policy.

Policy STEB5 seeks to protect the land by highlighting the impact on the setting of Stebbing Green and Boxted Wood. However, this is not consistent with the National Planning Policy Framework 2021 which recognises the intrinsic character and beauty of the countryside (paragraph 174 of the NPPF 2021) and the impact on ancient woodlands (paragraph 180 of the NPPF 2021). Any potential planning application would need to address the planning considerations and would be scrutinised in line with the development plan and any other material considerations. Therefore, for these reasons there is no justification for policy STEB5 - Protection of Green Wedge and it should be removed from the Stebbing Neighbourhood Plan.

We would be grateful if we could be kept updated on the progress of the Stebbing Neighbourhood Plan.

Yours sincerely



Associate - Planning
For and on behalf of Brown & Co
Property and Business Consultants LLP



REPRESENTATION 11: Edward Gittins & Associates

Representations 1 of 2 Submission

**EDWARD GITTINS & ASSOCIATES
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STEBBING NEIGHBOURHOOD PLAN

—

REGULATION 16 CONSULTATION

LOCAL GREEN SPACE

—

INCLUDING SITE H: FIELD AT BRAN END

Representations submitted by
Edward Gittins & Associates

September 2021

Foreword

1. We are instructed by the landowners to object to the proposed designation of land at Bran End identified as Site H: Local Green Space (LGS) on MAP 9: and as "h) Field at Bran End" in Policy STEB4. Representations submitted at an earlier stage seeking the exclusion of Site H as an LGS were not accepted and we now believe that this decision warrants reconsideration.
2. Our Clients request that their objection to the LGS designation on Site H be viewed on its own merits but also in the context of an alternative way forward with regard to the future management of this site as a whole if associated with the provision of a small village housing area served off Brick Kiln Lane. This housing proposal is the subject of separate representations but the aim would be to associate it with a Landscape & Management Plan for the land as an alternative to an LGS notation.
3. Site H has been promoted to date as an LGS without any prior direct consultation with the landowners. This is regarded as discourteous - not least having regard to the statement in Evidence Base Document 17: LGS Assessment: Demonstration of Special Value to the Community, that:-

"The field has for a number of years been used by residents for informal recreation away from traffic, including dog walking - an informal permissive footpath around the perimeter of the field has been created. The field is in private ownership."

4. There is, of course, no such thing as an "informal permissive footpath" as a "permissive footpath" only exists where permission has been granted; no such permission has been granted in this case. It is not correct to say that the whole field has somehow become an area extensively used for informal recreation. The lawful use of the site is for "agricultural" purposes and it can be cultivated, trees can be planted, and the PROW crossing the site can be fenced-off or a bordering hedgerow planted without recourse to any permission. The fact that trespass occurs or that no measures have been taken to deter trespass is not in itself a reason to promote a LGS. It is therefore a matter of concern that acts of trespass should be cited as a ground for this land being regarded as "demonstrably special" and, other than the use of the PROW, as of "recreational value".
5. As noted, the landowners nevertheless consider that the whole of the site outside the proposed housing area could be made available for increased access for informal recreation and nature conservation in association with a small village housing development not exceeding 5 dwellings on the northern edge of the site. This small area is well-related to the Bran End Development Limits and its inclusion within the Development Limits would be tied to the submission and implementation of a Landscape and Management Plan for the remainder of the site.

6. We ask that the above approach be actively considered as an alternative to the LGS designation which we oppose on the grounds set out below.

Objections

7. The grounds of objection are as follows:-

- Paragraph 101 of the National Planning Policy Framework (NPPF - 2021) states, inter alia, that:-

"The designation of land as Local Green Space through local or neighbourhood plans allows communities to identify and protect green areas of particular importance to them."

- Paragraph 102 states, inter alia, that:-

"The Local Green Space designation should only be used where the green space is:-

b) demonstrably special to a local community and holds particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of wildlife.

c) local in character and not an extensive tract of land."

8. The key phrases in relation to b) are: "*demonstrably special to a local community*" and "*holds particular local significance.*" The word "*demonstrably*" means that the proposer of an LGS must adduce evidence to demonstrate that the designation is justified. This means there must be clear evidence in support of a site's particular importance and local significance sufficient for it to be regarded as "*demonstrably special to a local community*". Such evidence is required relating to the examples set out in NPPF paragraph 102, namely beauty, historic significance, recreational value, (including as a playing field), tranquillity and richness of wildlife." - or for some other specified reason.
9. With regard to c), the term "*extensive tract of land*" - this is not defined but we accept in this case that the designation could be applied to a single field.
10. That said, however, we allege below that the evidence which supports the LGS designation for the field at Bran End as found in Evidence Base Document 17 does not provide sufficient grounds to meet the NPPF requirements that an LGS designation is demonstrably special to this local community or holds particular local significance if tested against the following considerations:-

Beauty

11. The site is pleasantly situated on the slopes above Stebbing Brook but does not lie within any area specially protected area for its landscape quality. Map 8 - Photographic Viewpoint Locations shows various viewpoints were identified as "*locally important*" but this does not extend to the field at Bran End - indicating that its landscape attributes and amenity generally have not been identified as of particular local significance. Indeed, none of these viewpoints relate to Bran End. This lack of local significance is further confirmed by the fact that the site does not feature either in any of the Important and Protected Views identified in Map 8 or in the related Policy - Policy STEB7.

Historic Significance

12. The site's alleged historic significance is essentially standard "local history" rather than having any special significance.

Recreational Value

13. The public use of the site other than the PROW has no statutory or permissive rights of way or access in order to pray in aid of its wider recreational value. The PROW is protected as a definitive public footpath whilst the amenity enjoyed by walkers along the path can be enjoyed in perpetuity. Such enjoyment would not be enhanced by a LGS designation in the absence of any further rights of access being made available. That greater enjoyment, however, would be achieved via public access for recreation and management measures – such as a wildflower meadow - in association with the proposed housing allocation.

Tranquillity

14. The site is not remote and tranquil as it adjoins the B1057 and experiences some traffic noise especially along its western fringes as well as some aircraft noise from Stansted and Andrewsfield.

Richness of Wildlife

15. We attach a report produced by Skilled Ecology Limited which examines and records the natural history resources of Site H. The southern fringes of the site alongside the stream have some considerable value as does the interface with the countryside but the same cannot be said for the majority of the site. Our proposals to manage the entire area under the auspices of a Landscape & Management Plan in association with the small allocation for village housing would therefore secure considerable benefits for the ecology of the area. The landowners would be willing to bind the production and implementation of a Landscape & Management Plan to the granting of planning permission for the village

housing site and would support wording in the Neighbourhood Plan to ensure that the benefits would be delivered by means of a Section 106 Agreement.

16. Based on the limited or lack of evidence presented to justify the designation of Site H as an LGS, therefore, the field at Bran End has not been demonstrated to represent a site with particular local significance or being sufficiently special as required by the NPPF. On the contrary, the Plan's coverage of rural resources and its evidence base supplemented by the Skilled Ecology Report suggest that apart from a limited area along its southern fringes, the site as a whole does not possess such special attributes nor is regarded as one of particular local significance sufficient to be worthy of designation as a Local Green Space.
17. We further consider that acceding to the deletion of this LGS notation from the Map 17 Policies Map will not in any way diminish the enjoyment of the amenity of this open land on the edge of the village or use of the PROW. We note that the Neighbourhood Plan's Core Objectives contain three objectives which provide a suitable level of protection, namely Objectives i) ii) and iv). Objective i) refers to the conservation and enhancement of the landscape settings of the various parts of the village. Objective ii) refers to the protection of key environmental features such as high-quality agricultural land, byways footpaths, hedgerows and wildlife sites. Finally, Objective iv) includes reference to the need to respect, preserve and enhance the setting of the various parts of the village and their individual identities from any future ad hoc strategic development proposals. These objectives find clear expression in the relevant policies and again indicate the absence of any need for an additional level of protection by means of this LGS designation.
18. Moreover, arising from the lack of justification for the inclusion of Site H as an LGS, we consider that the other Local Green Spaces should also be fully assessed to ensure they are sufficiently justified to warrant designation.
19. Finally, we draw attention to paragraph 103 of the National Planning Policy Framework which states:-

"Policies for managing development within a Local Green Space should be consistent with those for Green Belts."

20. We do not consider that the Neighbourhood Plan provides sufficiently detailed information and policy on how development or uses within LGS's will be managed, particularly development regarded as appropriate within Green Belts.

Proposed Modifications

- Delete Site H from Policy STEB 4 and from Map 9 and Map 17 as a designated Local Green Space.

- Reconsider whether the other Local Green Spaces are sufficiently justified.
- Modify the Plan to include policies or guidance for managing development within any retained Local Green Spaces.

Conclusion

21. Whilst seeking the deletion of the LGS designation on Site H for the reasons stated above, a proposal is being submitted in tandem which seeks the inclusion of part of the site within the Bran End Development Limits associated with the future management of the land to enhance its value for amenity, recreational use, and natural history.



Chartered Town Planner

September 2021



Joy Stephens

c/o Edward Gittins & Associates
The Counting House
High Street
Cavendish
Sudbury
Suffolk
CO10 8AZ

Date: 27th September 2021

Re: Ecology Desk Study of Site H (field at Bran End), Stebbing, Essex

Introduction

Skilled Ecology Consultancy Ltd. have been commissioned to undertake an ecology desk study to review the potential ecological value of Site H (field at Bran End) and likelihood of presence of protected, priority or other notable species.

This report has been requested to accompany a new proposed Village House site excluding it from Site H (field at Bran End) and excluding it from proposed Local Green Space categorisation. No recent site-specific ecological survey has been undertaken, though Skilled Ecology Consultancy Ltd. has historically undertaken ecology surveys in Bran End including along Brick Kiln Lane and is familiar with the local area.

It is proposed within the Stebbing Neighbourhood Development Plan 2019 – 2033 that Site H (field at Bran End) be included as an area of Local Green Space. The document states:

The purpose of the strategy is to take a positive approach to enhance, protect and create an inclusive and integrated network of high-quality multi-functional green infrastructure in Greater Essex.

Methodology

This ecological desk study is based on online resources including: Multi-Agency, Geographic Information Centre (MAGIC), satellite imagery, Ordnance Survey Maps, Stebbing Neighbourhood Development Plan 2019-2033 and a 2km radius data search ordered through the Essex Wildlife Trust Biological Records Centre (EWTBRC, 2021).

The data search through the EWTBRC is a key component of the desk study and includes items such as Local Wildlife Sites, statutorily designated wildlife sites, protected species, UK priority species and other notable species recorded within 2km of the site.

In addition to the above, past local surveys undertaken by Skilled Ecology Consultancy Ltd. (2016 & 2017) were reviewed to assist with the desk study.

Site location & Results

Site H is a field approximately 3.5ha in area. The area proposed to be included as proposed Village Housing and excluded from the designation as a Local Green Space is approximately 0.22ha (see Figure 1 below). Desk study of the area confirms Site H to be dominated by rough grassland with a strip of riparian woodland on the southern boundary as it borders Stebbing Brook. To the north, east and west of the site are mostly residential properties many with modest gardens. The site borders roads at two points; one to the north at Brick Kiln Lane and a second to the west at the B1057. It is at the northern road frontage that the approximate 0.22ha pocket of land proposed for Village House exists (see Figure 1 below).

Part of this 0.22ha pocket of land at Site H was surveyed in 2016 by Skilled Ecology Consultancy Ltd.. Habitats found at the time were described as species poor, semi-improved grassland. A small number of trees were present on the site boundary. No protected or priority species were identified. No UK priority habitats were present. The majority of this surveyed land is now residential housing.

A review of MAGIC and the EWTBRC confirmed that no statutorily designated nature conservation sites are present within 2km radius of the site. The three closest Local Wildlife Sites include; Hick Plantation located approximately 175m south and designated for its wet woodland and marsh grassland habitats, Bran End Wood located approximately 180m north west and designated for its alder woodland and Bran End located approximately 250m north east and designated for a variety of habitats such as wet woodland and species rich grassland.

A further review of MAGIC confirms the river as a priority habitat type and Natural Habitat Network and that the site (and most of Bran End) is also included as a Network Enhancement Zone 2 due to proximity to Stebbing Brook.

Recent management of the site consists of occasional topping and nothing more.

The below table includes a summary of data provided regarding protected, priority and rare species recorded within a 2km radius of Site H (EWTBRC, 2021).

Table 1: Summary of local biological records for Bran End, Stebbing.

Species	Approximate Location From the Site	Year of Record
Otter (UK & EU protected)	Stebbing	2015
Badger (UK protected)	Stebbing	2016
Common pipistrelle (UK & EU protected)	Stebbing	2010
Brown Long-eared bat (UK & EU protected)	Stebbing	2014
Hedgehog (UK priority species)	Stebbing	2016
Small heath butterfly (UK priority species)	Stebbing	2013
White clawed crayfish (UK protected)	Stebbing Brook	2012
Barn owl (UK protected)	Stebbing	2014
Natterers bat (UK & EU protected)	Stebbing	2010
Song thrush (UK priority)	Bran End	2016
Starling (UK priority)	Bran End	2017
Great Crested Newt (UK & EU protected)	Stebbing (approximately 640m east)	2018
Kingfisher (UK protected)	Stebbing	2016
Common pipistrelle (UK & EU protected)	Stebbing	2010
Soprano pipistrelle (UK & EU protected)	Stebbing	2010

Discussion & Conclusion

Considering all information gathered during the desk study including survey data from 2016/2017 surveys of land adjacent to the proposed Village Housing on the northern boundary of Site H, the following can be determined:

- The feature and habitat of highest ecological value present on the site is the riparian vegetation and Stebbing Brook on the southern boundary which is likely to support a variety of notable wildlife and provide a significant corridor of habitat connecting the broader countryside east and west of Site H. The southern boundary is likely to support protected and notable species such as otter, badgers, hedgehogs, bats, kingfisher and possibly foraging barn owls and other notable birds, as well as white clawed crayfish, all of which have historically been recorded within 2km of the site (EWTBRC, 2021). The southern area of Site H is also likely to be of significant value for a high diversity of invertebrates, some of which may be locally rare.
- The northern boundary of habitat within the approximate 0.22ha of land proposed as Village Housing is likely to constitute species poor, semi-improved grassland which is occasionally mown, though left rough for long periods. This habitat is common and widespread and not a UK priority habitat type. The habitat is likely to be utilised by a moderate diversity of common and widespread bird and invertebrate species, with only occasional passes and foraging by a small number of notable species such as foraging (though not roosting) bats, possibly hedgehogs and given the past records of barn owls, possibly foraging barn owls. The value of the site for ecology and use by notable species is constrained by proximity to housing and Brick Kiln Lane with associated disturbance pressures caused by dog walkers etc.

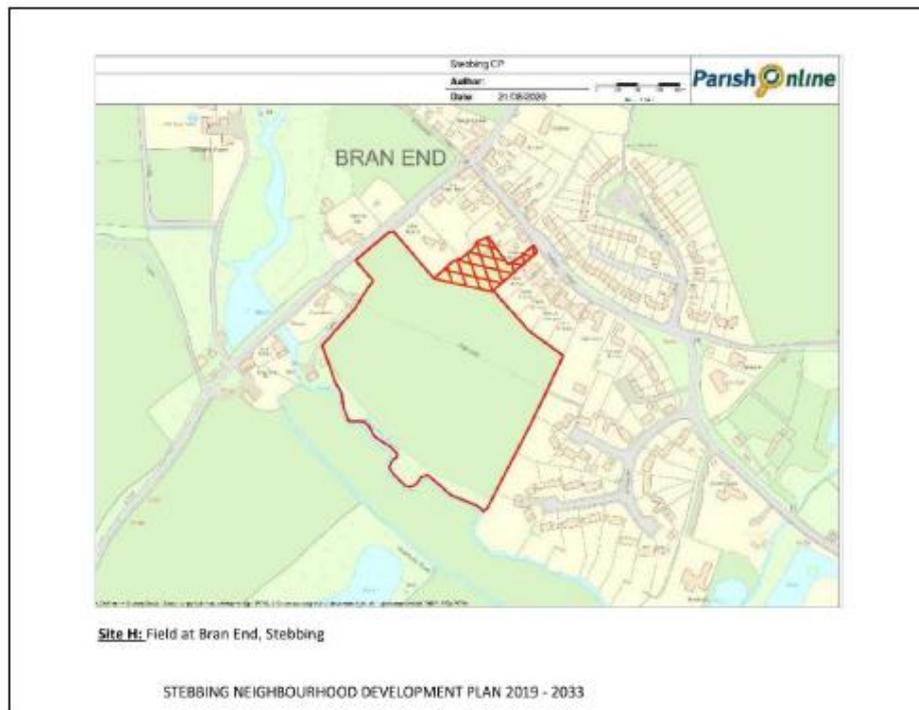
Therefore, it is considered that the loss of the northern pocket of land from Local Green Space designation is unlikely to significantly negatively impact objectives to retain and enhance local ecological value. If this section of land was to form future residential housing (subject to approved planning consent) the risk of significant impact to locally recorded protected, priority or rare species would be low. With appropriate design and landscaping future proposed development could provide biodiversity net gain to the area as required by National Planning Policy Framework (2021).

Yours sincerely,



Roger Spring BSc MCIEEM

Figure 1: Site plan of Site H (field at Bran End). Hatched area represents area forming proposed Village House site.



REPRESENTATION 11: Edward Gittins & Associates (contd)

Representations 2 of 2 Submission

**EDWARD GITTINS & ASSOCIATES
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STEBBING NEIGHBOURHOOD PLAN:

REGULATION 16 CONSULTATION

**VILLAGE HOUSING SITE, BRICK KILN LANE,
BRAN END, STEBBING**

(PART OF LOCAL GREEN SPACE: SITE H)

Representations submitted by
Edward Gittins & Associates

September 2021

Background

1. We are instructed by the landowners to submit representations relating to various housing allocation matters addressed in the Regulation 16 Consultation document. In separate representations submitted on behalf of the landowners relating to Local Green Spaces (LGS's), we are opposing the designation of Site H as an LGS as it appears in Map 9 (page 46) and the Policies Map – Map 17 (page 81) whilst requesting that part of this site be included within the Development Limits for Bran End. If acceded to, this allocation would be associated with a Landscape & Management Plan for Site H to enhance its value for amenity, recreational use and natural history. The proposed housing allocation in question is shown hatched in red on the attached plan and is envisaged to accommodate up to 5 village houses.
2. In seeking to promote this small housing allocation at Bran End, we refer to the possible opportunity for this site to replace a particular proposed housing allocation which we consider conflicts with the Plan's Core Objectives and Policy STEB6 - Protected Open Gaps. We therefore address this matter first before dealing with our proposed new site at Bran End.

Anomalous Housing Allocation

3. We note that Map 10: Committed Housing Sites and Proposed Housing Allocation Sites and Policy STEB: H5 relate to a site between the main built-up area of Stebbing and Bran End, namely Site H5: Land at Elmcroft - The Downs.
4. We note that the Plan's Core Objectives (Chapter One - A.) include the following:-

"i To conserve and enhance the heritage and distinctive historic character of the Parish, its villages, surrounding settlements and each of their respective landscape settings."
5. Referring to the Heritage Assessment, Chapter 5 paragraph 5.2 goes on to state:-

"It is considered important to protect the more modest breaks, or gaps, in order to retain the individual identities of the Church End, the Village Core and Bran End Character Areas. This therefore justifies the 'Protected Open Gaps' in Policy STEB6 and as shown on the Policies Map (18) and some of the Local Green Space designations (Map 9)".
6. It is clear from this that the gap between the Village Core and Bran End is rightly regarded as of importance and this is reflected in Policy STEB6 and in the *"Important Open Gaps"* notation shown on Policies Map 17 - albeit with a slight change of title from the *"Protected Open Gaps"* referred to in paragraph 5.2 - though clearly one and the same thing. (This anomaly was originally pointed out in our Regulation 14 representations but remains uncorrected). A closer examination of the notations in Map 17 shows, however, that not only does the Important Open Gaps notation only partially fill the gap between the

Development Limits of the Core Village and Bran End, it is also shown as an *“Important and Protected View”* in Map 8 (Viewpoint 8). Having regard to this context, the proposed new housing allocation proposed within the gap on land now used for agriculture as a chicken/egg farm, namely Elmcroft - The Downs (Site H5) is considered anomalous.

7. As can be seen on Map 15, and particularly in its accompanying aerial photograph, the land coverage of the existing buildings at Elmcroft is limited and the openness of the site still remains largely intact. The development of this site for village housing would, however, seriously erode the narrow gap between the Core Village and Bran End. It is therefore considered that in order to maintain the effectiveness of the gap between the two distinct parts of the settlement, Site H5 should be deleted and replaced with the Important Open Gaps notation in Map 17. In this way, as envisaged in the Core Objectives and Heritage Assessment, the separation of Bran End and the Core Village will be protected along with their separate identities.

Proposed Housing Allocation

8. By way of contrast, the site we put forward forming the extreme northern part of "the field at Bran End" currently forming part of the proposed Local Green Space (Site H) would not erode any Important Open Gaps and, with judicious landscaping along its edges, would have limited impact on landscape or heritage assets. It would be well-related to existing village housing at Bran End and served by means of a private drive via the existing field access off Brick Kiln Lane. This would leave the remainder of the land on the slopes towards Stebbing Brook to be the subject of a Landscape & Management Plan which would be drawn up in consultation with village residents. The current trespass and unauthorised use by dog walkers could be regularised and the amenity and natural history value of Site H and the enjoyment for walkers along the PROW could be enhanced.

Proposed Amendments to the Plan

- Delete Proposed Housing Allocation H5 on Map 17: Policies Map) and Policy STEB : H5 : Land at Elmcroft, The Downs because the proposed development would harmfully erode the Important Open Gap between the Core Village and Bran End.
- Extend the Important Open Gap notation to include all the land between the Development Limits for the Core Village and Bran End.
- Include the northern part of Local Green Space (Site H) as shown on the attached Plan as a proposed housing allocation for up to 5 dwellings and amend the Development Limits for Bran End accordingly.

- Require the proposed housing allocation at Bran End with the production of a Landscape & Management Plan for the remainder of Local Green Space: Site H to enhance its value for amenity, recreational use and natural history.

[REDACTED]

Chartered Town Planner

September 2021



Site H: Field at Bran End, Stebbing

STEBBING NEIGHBOURHOOD DEVELOPMENT PLAN 2019 - 2033

REPRESENTATION 12: AAH Planning Consultants



13th September 2021

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Dear Sir or Madam,

Re: Regulation 16 Consultation on Stebbing Neighbourhood Plan

I refer to the above document and the consultation upon its contents. Please accept this letter as our response to the Regulation 16 consultation. The Stebbing Neighbourhood Plan is accompanied by Basic Conditions Statement, Consultation Statement, HRA Statement and SEA Statement.

Generally, with regard to Plan Making, including Neighbourhood Plans, the NPPF states at paragraph 18 that: *'Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or Neighbourhood Plans that contain just non-strategic policies.'*

Paragraph 28 of the National Planning Policy Framework (NPPF) states that: *'Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.'*

Paragraph 29 of the NPPF states that: *'Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.'* Footnote 16 clarifies with regard to this paragraph that *'Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.'*

Paragraph 37 of the NPPF 2021 states that: *'Neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.'* Footnote 23 to this paragraph defines other legal requirements as those *'set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).'*

Paragraph 8 Schedule 4B to the Town and Country Planning Act 1990 (as amended) subparagraph 2 provides for the Basic Conditions to which a Neighbourhood Plan are to be tested against which can be summarised as:

- Is the Plan appropriate having 'regard to' national policies and advice contained in guidance issued by the Secretary of State?
- Does the Plan contribute to the achievement of sustainable development?
- Is the Plan in general conformity with the strategic policies contained in the development plan for the Dover District Council area?
- The Plan should not breach, and should otherwise be compatible with, EU obligations.

The Basic Conditions Statement submitted with the Stebbing Neighbourhood Plan details how Stebbing Parish Council consider they have met the above tests; however, we have the following comments to make to the contrary:

We consider that there are fundamental issues with the overall housing strategy and site selection process. There are also a number of policies within the Neighbourhood Plan that simply do not comply with the principles of sustainable development and run contrary to the NPPF to such an extent that as currently drafted, the Neighbourhood Plan cannot meet the first two basic conditions.

Housing Strategy

The submission Neighbourhood Plan provides for 14-20 dwellings between 2019 and 2033 via the allocations policies STEB H1 to H6. Uttlesford District Council have provided the Neighbourhood Group with a figure of 25 dwellings, yet the total allocations STEB H1 to H6 equate to 14-20 dwellings. If the 25 dwellings were accepted as the appropriate housing requirement for Stebbing Parish (which we do not agree with) the Neighbourhood Plan doesn't even provide this figure as a minimum or provide any flexibility for non-delivery. We do not consider that a housing strategy to deliver less than the Councils recommended Housing numbers is sound.

It is also difficult to comprehend how the Neighbourhood Plan can be brought forward without an up-to-date set of Strategic Policies that provide an up-to-date Housing Requirement and defined development limits to deliver such a Housing Requirement. Without an up-to-date Local Plan containing Strategic Policies there will be

inevitable difficulty with the community in the understanding of how their Neighbourhood Plan fits into the wider visions for the area. In such a scenario, the absence of a local plan and where the Neighbourhood Plan comes forward, it determines housing numbers, allocates sites or defines settlement boundaries free of the local plan. The Neighbourhood Plan, will, in the absence of up-to-date Local Plan strategic policies unduly shape the preparation of the Local Plan, by establishing levels of growth and inflexible policies incapable of supporting growth in the future.

We are concerned that this sets the agenda for the Local Plan with the implication that, even where a proportionately higher housing number is identified for the Neighbourhood, or new allocations are made in the future, the Local Plan will then simply offset these against the District's housing need, thereby leading to no 'net additionality' in the total number of homes being planned for.

Further, the figure of 25 dwellings that Uttlesford District Council have provided for the Neighbourhood Group is based upon dated evidence from a now withdrawn Local Plan for which the West of Braintree Garden Community extended into the Parish of Stebbing. In the now withdrawn Local Plan, Stebbing was designated a 'Type A Village' within this tier of the settlement hierarchy, 134 dwellings were proposed. Stebbing was allocated 30 dwellings via allocation STE 1. However, this distribution was on the basis of three new Garden Communities totaling 18,500 dwellings.

Using the Frameworks Standard Methodology to calculate local housing need for the District gives a minimum Local Housing need of 700 dwellings a year using the current year as 2021 compared to the previous stepped housing requirement equating to 568 dwellings year for the first 10 years of the plan period, a significant difference. Taking account of the need to ensure flexibility and choice, a 10% or 20% buffer should also be provided, which further elevates the housing numbers. There is also no certainty as to whether the Garden Communities will be brought forward in the new Local Plan in which case more allocations will be required to compensate for the housing numbers from the Garden Communities not being included within the housing trajectory. We, therefore, do not consider that the actual housing number recommended by the District Council are robust, being dated and based upon a now withdrawn Local Plan. The housing numbers for Stebbing provided by the Council are far too low and do not meet the requirement to significantly boost the supply of housing.

Allocations

The submission Neighbourhood Plan provides for 14-20 dwellings between 2019 and 2033 via the allocations policies STEB H1 to H6. We have the following comments to make on the proposed sites:

-
- the use of committed sites that have already been granted planning permission and/or delivered is inappropriate.
 - all the allocations proposed are very low density, and we consider that to be unrealistic.
 - all the allocations proposed are outside of existing development limits, yet no changes to development limits are proposed other than allocation H3.
 - There is currently no footpath to link allocation H3 Hornsea Lodge, Bran End to the services and public transport of Stebbing. It is unrealistic to expect a scheme of 2-3 dwellings to be able to viably provide such a link, and no consideration has been given to whether such a link is feasible.

It is difficult to comprehend why our clients site at land north of Rosemary Lane, Bran End has not been allocated when the site will deliver much of the Parish's aspirations in terms of improving Stebbing's recreational offer and improving public transport and connectivity. We have previously submitted the site under separate cover for the allocation that we repeat shows there is no reason not to allocate this site for residential development. After all, the site is readily available, deliverable with excellent access to services.

There are no major infrastructure or abnormal costs to affect the overall delivery of this site. The site has readily available access to all the necessary utilities and infrastructure with readymade access to the site from existing access points. The site will form an important allocation to deliver much-needed housing in the area with the full complement of s106 and CIL contributions to ensure that the allocation constitutes sustainable development.

Site Assessments

We have concerns over how the sites have been considered and the consistency within the overall assessment of the sites and those that have been discounted. The Site Assessment document does not provide specific evidence from landowners to establish that the sites are available for development. We do not consider there is sufficient evidence on suitability, availability and deliverability of the sites to establish that the proposed allocations are:

- available i.e. that the site owner is willing for their site to come forward at the proposed scale of development.
- suitable i.e. that constraints information has been considered and tested, e.g. flooding, archaeology, and a detailed assessment of the infrastructure needed to support development and access it.
- deliverable – i.e. that the site is viable for development.

We do not consider that the Neighbourhood Plan has consistently considered all the reasonable alternative sites or the appropriate considerations for development being deemed suitable. We, therefore, consider the overall site assessments have not been carried out in accordance with the requirements of the NPPF.

Policies

Policy STEB 9 Part 2 *Development within the Defined Countryside* provides for development outside of the village development boundary to only be permitted if the development provides for a scenario in the policy; this directly conflicts with paragraphs 78 and 79 of NPPF 2021 as well as the presumption itself. It also perpetuates the theme of protection of the open countryside for its own sake, and its limitations are contrary to the balanced approach of the NPPF 2021.

The NPPF has never, and still does not, provide for a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy, as worded, opposes the balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. Further, the policy relies upon policy S7, which is not consistent with the Framework because of its restrictive nature and the existing defined development limits that are out of date.

Conclusion

We consider that there are fundamental issues with the housing strategy and site allocation selection process. Policy STEB 9 does not comply with the requirements of the NPPF or indeed the presumption in favour of sustainable development. In the context of the above commentary, we do not consider that Stebbing Neighbourhood Plan meets the basic conditions, and we urge the Council and/or the Independent Examiner to reconsider the compliance with the NPPF and, therefore, the basic conditions test of the Stebbing Neighbourhood Plan.

If you need any further information or wish to discuss matters further, then please do not hesitate to contact me at this office.

Yours Sincerely,




BA HONS PGDIP URP MRTPI
Head of Planning



Regulation 16 Consultation
Stebbing Neighbourhood Plan
Representations on behalf of
Andrewsfield New Settlement Consortium
& Countryside Properties

1. Introduction and Context

1.1 This response to the regulation 16 Stebbing Neighbourhood Plan consultation is submitted on behalf of Andrewsfield New Settlement Consortium (ANSC) and Countryside Properties (CP).

1.2 ANSC and CP are promoting 731 hectares of land to the east of Boxted Wood within Braintree as well as 71 hectares of land to the north of Boxted Wood within Uttlesford as the proposed West of Braintree Garden Community (WBGC). In addition, Galliard Homes are promoting 105 hectares of land to the south of Boxted Wood also forming the WBGC.

1.3 ANSC, CP and Galliard continue to work collaboratively to promote and plan for delivery of the WBGC. These representations support and supplement the separate representations submitted by LDA Design on behalf of Galliard Homes.

1.4 Full details of the proposed WBGC were submitted by ANSC, CP and Galliard towards the Uttlesford District Council (UDC) call for sites in April 2021. At the time of submitting these representations UDC remains assessing all call for sites submissions. It is anticipated that UDC will provide some clarity on potential growth options within a draft UDC Local Plan in early 2022.

1.5 The principle of the proposed location of the WBGC has been supported by both Uttlesford and Braintree Councils through the previously submitted Local Plans and associated examinations in public. The Inspector appointed to consider the North Essex Strategic Plan concluded that the WBGC was unsound based on marginal viability grounds and lack of certainty on a proposed rapid transit system, rather than unsuitability of the site or location or due to environmental issues such as landscape, environmental or heritage impacts.

2. The Stebbing Neighbourhood Plan

2.1 The regulation 16 Stebbing Neighbourhood Plan proposes, through policy STEB5, a Green Wedge stretching from Stebbing Green eastwards to Boxted Wood and up to the Parish and District boundary with Braintree to the east.

2.2 Policy STEB5 indicates that the proposed Green Wedge is intended to protect from potential speculative major strategic development proposals.

2.3 It is clear that the proposed Stebbing Neighbourhood Plan policy STEB5 is intended to prevent the potential strategic planning for a new Garden Community in the location of the proposed WBGC as currently being considered by UDC through the Local Plan making process.

2.4 For the reasons set out below it is submitted that the proposed policy STEB5 is inappropriate and should be deleted from the emerging Stebbing Neighbourhood Plan.

3. Objection to Proposed Policy STEB5

3.1 The regulation 16 Stebbing Neighbourhood Plan introduces an unnecessary and unwarranted proposal for a Green Wedge between Stebbing Green and Boxted Wood.

3.2 Proposed policy STEB5 introduces an additional highly restrictive policy going over and above the current adopted Uttlesford countryside policies established through the adopted UDC Local Plan policies: S7 – The Countryside; ENV3 – Open Spaces and Trees; ENV7 – Natural Environmental Designated Sites, ENV8 – Landscape Important for Nature Conservation and ENV9 – Historic Landscape. The current adopted Local Plan policies already provide sufficient protection of land within the countryside and outside defined settlement boundaries.

3.3 Paragraph 29 of the NPPF states that:

“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

3.4 Paragraph 13 of the NPPF also states that:

“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”

3.5 It is clear that the proposed Green Wedge between Stebbing Green and Boxted Wood is inappropriate as the policy seeks to shape strategic policies relating to potential delivery of a new Garden Community. The proposed strategic policies that may provide for the WBGC are appropriately considered and defined via the Uttlesford District (and Braintree) Local Plan making process, and not via the Stebbing Neighbourhood Plan.

4 Recommendation

4.1 ANSC and CP recommend that the emerging Stebbing Neighbourhood Plan is amended by deletion of Policy STEB5.

4.2 ASNC and CP prepared a master plan for the proposed WBGC development in collaboration with Galliard Homes and submitted the master plan to the UDC call for sites in April 2021. The master plan provides for retention of green and blue infrastructure throughout the proposed development, including extensive retained open land within the north-western part of the site at Andrewsfield Airfield and north of Boxted Wood.

4.3 ANSC and CP submit that Policy STEB5 should be deleted from the Stebbing Neighbourhood Plan and that UDC continues to assess all sites across the district for potential strategic growth locations to ensure that suitable land is released through the Local Plan making process to meet the District housing and employment requirements. Where UDC identifies the proposed WBGC site as suitable for delivery of a Garden Community then ANSC, CP and Galliard will continue to work positively with all stakeholders, including with Stebbing Parish Council, to ensure sensitive treatment of the proposed development with existing land uses, to include a landscape buffer to the north and west of the WBGC development.

OTHER REPRESENTATIONS

REPRESENTATION 14: Patricia Harrison

(Thu 22/07/2021 11:12)

I note that Stebbing Parish has submitted its Neighbourhood Plan to Uttlesford District Council.

On the whole, I think it is an acceptable plan, though the constant in-filling off every available space is a worry; for example, on land next to the Watch House in Watch House Road.

Proposals for larger, **separate** developments, such as that on the agricultural land east of Warehouse Villas/opposite Collops Villas is also of concern. There are reassurances about smaller units and affordable housing, etc., which are welcome, but a rather complacent view about the impact on road use. Is this the thin edge of the wedge? Which bit of agricultural land will be next in line? I very much hope it will not be the Cowlands Farm-owned field at the back of the houses on Warehouse Road.

Somewhere in the comments I think I saw the view that, by and large, the village speed limit was being observed. This is certainly not the case in Watch House/Warehouse Road and across Stebbing Green.

Patricia Harrison

[REDACTED]

[REDACTED]

REPRESENTATION 15: Professor Colin Harrison

(Thu 22/07/2021 11:48)

Thank you for the opportunity to comment upon the Stebbing Parish Neighbourhood Plan.

On the whole, I think it is an acceptable plan, though the constant in-filling off every available space is of concern as all development adds to road loading and pressure on public services. In this respect these plans seem to ignore service infrastructure and the provision of health, water and similar services.

Proposals for larger, **separate** developments, such as that on the agricultural land east of Warehouse Villas/opposite Collops Villas is of concern. There are reassurances about smaller units and affordable housing, etc., which are welcome, but a rather complacent view about the impact on road use. Is this the thin edge of the wedge? Which bit of agricultural land will be next in line? I very much hope it will not be the Cowlands Farm-owned field at the back of the houses on Warehouse Road.

Somewhere in the comments I think I saw the view that, by and large, the village speed limit was being observed. This is certainly not true of most roads in and near the village. There are constant comments on "Nextdoor" regarding the boy racers!!

I understand that UDC is under pressure from Government to build houses but as a PLANNING authority the wider picture must be part of that work and medical services, public transport, water provision, etc. is a must before just building.

Professor Colin Harrison



"Life is far too important a thing ever to talk seriously about." (Oscar Wilde)

REPRESENTATION 16: Jacqueline Martin

(Tue 14/09/2021 19:05)



Internal Use Only

Representation Number:

Stebbing Neighbourhood Plan Publication Consultation Regulation 16

Response Form

Consultation period: 8am Monday 19 July 2021 to 5pm Tuesday 28 September 2021

Uttlesford District Council is inviting representations on the submission version of the Stebbing Neighbourhood Plan.

Representations must have been received by Uttlesford District Council no later than **5pm on Tuesday 28 September 2021**. Representations after this date will not be considered.

Representations can be submitted by email to: planningpolicy@uttlesford.gov.uk

or by post to

Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Respondents do not have to use this form to respond. All responses must be made in writing, either electronically or otherwise.

All responses will be made public. Anonymous responses cannot be accepted.

UTTLESFORD DISTRICT COUNCIL – PLANNING POLICY

In accordance with the General Data Protection Regulation please complete:

Section 1 if you are making comments (a representation) on the Neighbourhood Plan

Section 2 to provide your details

1. USE OF PRIVATE DATA WHEN MAKING COMMENTS

If you do not provide consent, we cannot process your comments and you may not be able to participate in the Neighbourhood Plan examination.

yes

Please tick this box to provide your consent to allow Uttlesford District Council to process your data, in accordance with the General Data Protection Regulation and Data Protection Act, so your comments on the Neighbourhood Plan can be processed.

***Your name and comments will be made public, but any address, telephone and email address will remain confidential.**

2. YOUR DETAILS

Please confirm below your name and email **or** postal address. You are not obliged to provide your details; however, we will be unable to process any comments you make.

**Contact
Name
Email**

Mrs Jacqueline Martin

**Or Postal
Address**

We will keep a record of your consent for 7 years, after which it will be destroyed. For more information on how we collect, use and protect personal information generally, please visit <https://www.uttlesford.gov.uk/privacy-notice>

PRIVACY NOTICE

The Council will use the information you submit, or have submitted, in all correspondence to the Council to enable the council's planning policy section to consider any information, representation or evidence submitted to assist with the Stebbing Neighbourhood planning examination.

Further information about Data Protection rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at:

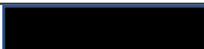
<https://www.uttlesford.gov.uk/privacy-notice> Printed copies of the Council's Privacy Notices can be provided on request.

The Council will:

- Use the information you provide for the purpose of performing of its statutory duties.
- Make any disclosures required by law and may also share this information, both across council departments and with other local authorities and government organisations.
- Check information you have provided, or information about you that someone else has provided, with other information it holds.

The Council will not give information about you to anyone else, or use information about you for other purposes, unless the law allows this.

1) Your details

Name	Jacqueline Martin
Organisation (if applicable)	
Address	
Email	
Telephone	

2) Your representations

Please specify which paragraph or policy your representations relate to and if you are suggesting any amendments. Please use a separate sheet if you need more space.

The Plan as Whole	Comments Generally a very thorough and solid document based on extensive evidence and local knowledge
CHAPTER	COMMENTS
CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION	

	support
CHAPTER TWO: CONTEXT – SETTING THE SCENE	
	Sets a valid and appropriate context to the Plan
CHAPTER THREE: CONSULTATION	
	It is comforting that there was such a good response and overall support from the local community
CHAPTER FOUR: HERITAGE AND CONSERVATION	
Policy STEB1 Respecting Stebbing's Heritage – Design and Character	Support. This is a key policy to protect and enhance the heritage and special character of Stebbing and the various character areas
CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND NATURAL ENVIRONMENT	

Policy STEB 2 Green Infrastructure and Development	Support, for the same reasons as above
Policy STEB 3 Identified Woodland Sites and Wildlife Sites	Support
Policy STEB 4 Local Green Space	Support – essential to safeguard those Green Spaces that are valued by the community and that overall give Stebbing its unique and attractive character
Policy STEB 5 Protection of Green Wedge	Support. This is essential to protect the character, setting of Stebbing Green and Boxted Wood, adjoining heritage assets, areas of archaeological interest and discourage unwanted and totally inappropriate speculative development
Policy STEB 6 Protected Open Gaps	Support for similar reasons to those relating to LGS
Policy STEB 7 Important and Protected Views	Support, as above
Policy STEB 8 Blackwater Estuary SPA site/Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)	No comment
CHAPTER SIX: HOUSING AND DESIGN	
Policy STEB 9 Design Principles and Location of New Development	Support, for same reasons as STEB 1

Policy STEB 10 Meeting Local Needs	Support - essential to recognise the importance of meeting such needs and optimises community use and wellbeing as far as possible
Policy STEB 11 Affordable Homes	Support – essential to meet a wide range of housing needs to create an inclusive community
Policy STEB 12 Sustainable Design and Construction	Support
Policy STEB 13 Managing Flood Risk and Drought Mitigation	Support
Policy STEB 14 Renewable Energy	Support
CHAPTER SEVEN: THE ECONOMY	
Policy STEB15 Supporting the Local Economy – Small Scale Employment Space	Support – essential to safeguard, encourage and foster local businesses and reduce commuting
Policy STEB16 Communications	Support

Policy STEB17 Farm Diversification/Improvement Communications	Support
Policy STEB18 Tourism	Support
CHAPTER EIGHT: COMMUNITY AND WELL-BEING	
Policy STEB 19 Protection of Play, Sports, Recreation, Leisure and Community Facilities	Support – all three policies in Chapter 8 are essential for the quality of life and wellbeing of the community
Policy STEB 20 Protection of Leisure and Community and Facilities	Support
Policy STEB 21 Health and Medical Care	Support
CHAPTER NINE: TRANSPORT	
Policy STEB 22 Promoting Sustainable Transport	Support
CHAPTER TEN: HOUSING ALLOCATIONS	

Policy STEB H1: Garden/Paddock adjacent to Watch House	Support
Policy STEB H2: Land West of Brick Kiln Farm	Support
Policy STEB H3: Hornsea Lodge, Bran End	Support
Policy STEB H4: Meadowbrook, Mill Lane	Support
Policy STEB H5: Land at Elmcroft, The Downs	Support
Policy STEB H6: Hay Meadow, Stebbing Green	Support
CHAPTER ELEVEN: THE POLICIES MAP AND SCHEDULE OF NEIGHBOURHOOD PLAN POLICIES	
	Support
CHAPTER TWELVE: PROJECTS	

Policy SW30 Arts and Cultural facilities	Support
CHAPTER THIRTEEN: IMPLEMENTATION, MONITORING AND REVIEW	

Would you like to be notified of Uttlesford District Council's decision under Regulation 19 of the Neighbourhood Planning (General) (Amendments) Regulations 2015 to adopt the Stebbing Neighbourhood Plan?

Yes yes

No

Thank you for completing this response form.

Representation 17: ESSEX BRIDLEWAYS ASSOCIATION

Thu 23/09/2021 11:10

Please find below Essex Bridleways Association's response to the above consultation. An acknowledgement of safe receipt would be appreciated - thank you.

We note that in the majority of the Plan, equestrians are mentioned and specifically catered for within it which we are really pleased to see – many similar documents omit their existence. There are, however, a small number of places where the inclusivity could be strengthened and these are as follows:

Policy STEB2 Green Infrastructure and Development: we note that there is an aspiration to improve the connectivity between wildlife areas and green spaces and PRow/footways and cycleways are mentioned. We would however like to see the aspiration for 'access for all user groups' be embedded within the Policy and this juncture and in other policies within the Plan.

Page 49 para 5.16 viii: we note within this point the aspiration to 'protect and enhance facilities for recreation...to benefit health and wellbeing' and we ask that this is amended to include the requirement for ALL user groups to be catered for. We suggest the wording '*accessible to all user groups – walkers, cyclists and equestrians*' is added after the words 'Public Rights of Way'.

Policy STEB19 Protection and Provision of Open Space: we note that the protection and enhancement of the Public Rights of Way network is included and this we welcome; however, we ask that an aspiration to extend the accessible network to other user groups where possible – for example upgrading an existing footpath to bridleway status so that cyclists and equestrians are able to use as well as pedestrians.

Policy STEB22 Promoting Sustainable Transport: we note in bullet point 4 that existing footpaths must be respected and protected. As for STEB19, we ask also that the aspiration to upgrade footpaths to bridleway status where possible is included so that cyclists and equestrians are also able to use them.

Chapter 12 Projects C&D: we note the aspiration for the Parish Council to seek improvements to the footpath network; however, we ask that this is extended to upgrade existing footpaths to bridleway status so that they can be used also by cyclists and equestrians.

We trust that these comments will be taken into account when the Plan is progressed.

Kind regards

Sue Dobson

Representation 18: Mick and Heather Jackson

Mon 27/09/2021 10:16

I am writing to express my full support for the Neighbourhood Plan submitted by our Parish Council. This Plan has been put together with extensive consultation with local residents.

There has been a considerable amount of new development in our village over recent years which has led to a big increase in traffic and congestion. This obviously leads to environmental damage and potentially could affect the emergency services.

I accept that there is a need for new housing and do not object to using the potential sites referred to in the Plan. One of the sites which has been mentioned is opposite my house and I would not object to one or two houses being built there.

Stebbing is an historic village and I would strongly object to any major new developments which would affect its character.

Yours faithfully

M I Jackson

Representation 15: Heather Jackson

Mon 27/09/2021 10:26

To whom it may concern

I hope that the plan submitted by the Parish Council will be accepted. Large scale development in Stebbing is unacceptable, the village is already struggling with the increase in traffic both parked and moving, especially during the school day.

I accept that there will be a few houses built on appropriate sites but the proposals put forward for numbers in the 30s upwards are just ridiculous - they are never for small starter homes just large detached houses so not really helping with the shortage of houses for first time buyers.

Heather Jackson