



# Uttlesford District Council

Chief Executive: John Mitchell

## Cabinet

**Date:** Thursday, 23 July 2015  
**Time:** 19:00  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors Howard Rolfe (Leader and Chairman), Susan Barker, Simon Howell, Julie Redfern and Lesley Wells

**Other attendees:** Councillors Alan Dean (Liberal Democrat Group Leader and Chairman of Scrutiny Committee), John Lodge (Residents for Uttlesford Group Leader) and Edward Oliver (Chairman of Performance and Audit Committee)

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given two working days prior notice.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest.**
  
- 2 Minutes of previous meeting** 5 - 12  
To consider the minutes of the previous meeting
  
- 3 Matters Arising**  
To consider matters arising from the minutes

- |           |   |           |
|-----------|---|-----------|
| <b>4</b>  | <b>Questions or statements from non executive members of the council</b><br>To receive questions or statements from non-executive members on matters included on the agenda   |           |
| <b>5</b>  | <b>Matters referred to the Executive (standing item)</b><br>To consider matters referred to the Executive in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules |           |
| <b>6</b>  | <b>Reports from Performance and Audit and Scrutiny Committees (standing item)</b><br>To consider any reports from Performance and Audit and Scrutiny Committee  |           |
| <b>7</b>  | <b>Land clearance at Broxted</b><br>To consider a report on land clearance at Broxted   | 13 - 28   |
| <b>8</b>  | <b>Allocations policy</b><br>To consider a report on the Allocations Policy   | 29 - 72   |
| <b>9</b>  | <b>Replacement Essex Waste Local Plan</b><br>To consider a report on the replacement Essex Waste Local Plan   | 73 - 94   |
| <b>10</b> | <b>Buildings at risk</b><br>To consider a report on buildings at risk   | 95 - 158  |
| <b>11</b> | <b>Council Tax Write Off</b><br>To consider a report on Council Tax write off   | 159 - 160 |
| <b>12</b> | <b>Council Tax and Housing Benefit Penalties Policy</b><br>To consider a report on Council Tax and Housing Benefit penalties  | 161 - 178 |
| <b>13</b> | <b>Assets of Community Value</b><br>To consider a report on Assets of Community Value   | 179 - 182 |
| <b>14</b> | <b>Any other items which the Chairman considers to be urgent</b><br>.   |           |

**PART 2**  
**Exclusion of the Public and Press**

- |           |                                 |  |
|-----------|---------------------------------|--|
| <b>15</b> | <b>Building Control project</b> |  |
|-----------|---------------------------------|--|



## **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). For background papers in relation to this meeting please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510430/369.

Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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#### **General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

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Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 18 JUNE 2015 at 7.00pm**

Present: Councillor Howard Rolfe – Leader  
Councillor Susan Barker – Deputy Leader and Cabinet Member  
for Environmental Services  
Councillor Simon Howell – Cabinet Member for Finance and  
Administration  
Councillor Julie Redfern – Cabinet Member for Housing and  
Economic Development  
Councillor Lesley Wells – Cabinet Member for Communities and  
Partnerships

Also present: Councillors Alan Dean and John Lodge.

Officers in attendance: John Mitchell (Chief Executive), Maggie Cox  
(Democratic Services Officer), Roger Harborough (Director of  
Public Services), Angela Knight (Assistant Director – Finance),  
Christine Oakey (Procurement Manager), Michael Perry  
(Assistant Chief Executive – Legal) and Adrian Webb (Director  
of Finance and Corporate Services).

**CA1 APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS**

Councillor Susan Barker declared a non- pecuniary interest as a Member of  
Essex County Council.

**CA2 MINUTES**

The minutes of the meeting held on 19 March 2015 were received and signed  
by the Chairman as a correct record.

**CA3 REPORTS FROM PERFORMANCE AND AUDIT AND SCRUTINY  
COMMITTEES**

Councillor Dean, the Chairman of Scrutiny, outlined the committee's plans for  
the coming year. At the first meeting members would receive external training  
and consider the programme for the coming year. The committee would work  
in two areas, to develop policy and also to hold the decision makers to  
account. The focus would be more on internal UDC improvement rather than  
scrutinising the work of other external organisations.

**2014/15 DRAFT OUTTURN REPORT**

Councillor Howell presented the report on the Council's 2014/15 outturn position. It summarised the financial performance for 2014/15 and the level of reserves as at 31 March 2015.

For the three areas of accounts the outturn position was as follows - General Fund, a favourable variance of 20k, HRA - an in year surplus of £2,314, Capital Programme - a net favourable variance of £116,000. The detailed figures in the report explained the key variances. Councillor Howell said that overall there were quite significant variations and there was potential to improve forecasting, but the process had been managed well and he congratulated the Finance team for completing the figures two weeks ahead of the deadline.

In answer to a question from Councillor Lodge, it was explained that a ring-fenced business rate reserve had been set up to allow for any shortfall that might arise from the introduction of the new business rate arrangements and changes in accounting practises. He was reassured that a high level of collection rate was still being maintained

Councillor Dean said that at the February Cabinet meeting, it had been stated that the pension deficit would be funded from reserves. It now appeared that this had been funded from the revenue underspend. He asked whether this meant that the council was now £900k better off. The Assistant Director – Finance clarified that the revenue balances underspend had been used to fund the 3 year pension deficit but the reserves had also reduced by £902k during the course of the year. This was detailed in paragraph 17 of the report, although this was a complex picture to explain as the council was also adrianin the process of introducing the new Reserves Strategy.

The next stage was to certify the figures by the 30 June, the draft accounts would then be submitted to the Performance and Audit Committee on 30 July and the audited account to the meeting in September 2015.

RESOLVED to approve

- 1 the 2014/15 outturn position set out in this report
- 2 the reserve transfers and reserve balances set out in the report,
- 3 the Capital Programme slippage requests.

**PROCUREMENT STRATEGY**

Councillor Howell presented the proposed Procurement Strategy for 2015/16. The report set out the achievements against the 2014/15 priorities and action plan. It was noted that the year had been dominated by large housing contracts and there had been a number of unplanned pieces of work that had taken up resources. The action plan for 2015/16 was set out and a key point

to note was the need to take account of the new Public Contracts Regulations 2015.

In answer to a question, the Procurement Manager gave details of the council's new electronic ordering system (e-buy) and confirmed that it was capable of providing transparent information on the council's spending.

RESOLVED to approve the procurement strategy attached to the report

CA6

## **2016/17 LOCAL COUNCIL TAX SUPPORT SCHEME**

Councillor Howell presented the report on the Local Council Tax Support Scheme (LCTS). The scheme was required to be reviewed annually and any proposed changes would be agreed by Full Council in December.

Councillor Howell said that Uttlesford had consistently applied the lowest percentage contribution of all Essex councils, from a contribution of 8.5% at the start of the scheme, rising to 12.5% for the past two years. It was proposed to maintain this level for 2016/17 and to continue with the other key elements of the adopted scheme. These included the subsidy for town and parish councils, the categories of discretionary protection and the rate of council tax discounts.

Councillor Howell said the number of working age recipients had decreased by a third, from 1300 to 920, since the start of the scheme which meant that that any increase of the percentage would have a greater impact on these recipients. The cost of the scheme was met by other council tax payers and with the expected reduction of the Government contribution there would be an additional impact on residents. With this in mind he said it would be necessary to look at the balance of the scheme and see if any adjustments would be required in the future.

Councillor Dean asked if he could be provided with information on the actual revenue raised to UDC from this scheme, if it was maintained at 12.5%. The Director of Finance and Corporate Services said the nature of the scheme meant that this figure was difficult to quantify but he would try to provide figures outside the meeting

In relation to the consultation, Councillor Dean asked about the information that would be provided, particularly about the council's current level of funds, which would give the public a fair picture of the potential options in order to make a judgment about whether the scheme should continue its current form.

Councillor Redfern felt there should be a review of the level of council tax discounts for empty homes, given the urgent need for housing in the district. She was advised that the scheme still had the potential to be amended in the light of comments received from the consultation.

RESOLVED that a consultation process be carried out on the following draft proposals

- a) The 2016/17 LCTS scheme is set on the same basis as the 2015/16 scheme and therefore the contribution rate is frozen for the second consecutive year.
- b) Provide discretionary subsidy for town & parish councils for 2016/17 in accordance with the principles set out in paragraph 25.
- c) The 2016/17 Council Tax discounts are set at the same rate as the 2015/16 discounts as set out in paragraphs 26 – 29.

**CA7 CONSERVATION AREA APPRAISAL LITTLE EASTON**

The Cabinet considered a report concerning the proposed designation of a conservation area for Little Easton. This study had been requested by the parish council. Members considered the document, the results of the consultation exercise and the proposed designated CAA areas.

RESOLVED that

- 1 The Conservation Area Appraisal be approved and used to assist in the process of determining planning applications and for implementing management proposals.
- 2 The Little Easton Conservation Areas be formally designated

**CA8 CONSERVATION AREA APPRAISAL QUENDON AND RICKLING**

Councillor Barker presented the proposed conservation area appraisal for Quendon and Rickling. The report set out the key issues within the CAA, the results of the consultation exercise, the management issues and the changes proposed.

RESOLVED that

- 1 The Conservation Area Appraisal be approved and used to assist in the process of determining planning applications and for implementing management proposals.
- 2 The Quendon and Rickling Conservation Area be formally designated

**CA9 ASSETS OF COMMUNITY VALUE**

In accordance with Section 87 of the Localism Act, officers had requested submissions from Parish and Town Council regarding community value assets



in their area. The responses had been assessed and the following assets were recommended for adoption.

RESOLVED to agree to include the following on the Assets of Community Value list

- Felsted Allotments, Station Road
- Felsted Village Playing Area, Braintree Road
- Raven Crescent Play Area, Watch House Green
- Willows Green Play Area, Evelyn Road
- Banister Green

#### CA10 **GREAT CHESTERFORD PARISH PLAN**

The Cabinet received the village plan for Great Chesterford. This had been approved by the parish council following a residents' consultation. The purpose of the plan was to consider the future of the village and how it could be changed for the better. Members attention was drawn to key issues that has been identified.

Councillor Redfern applauded the considerable community effort involved in producing this plan.

RESOLVED to adopt the Parish Plan as council approved guidance in determining planning applications in the parish and as background evidence in the preparation of the Local Plan.

#### CA11 **DESIGNATION OF GREAT AND LITTLE CHESTERFORD NEIGHBOURHOOD PLAN AREA**

The Council had received an application from Great and Little Chesterford Parish Councils for the designation of a Neighbourhood Development Plan Area. This had been advertised in accordance with the Regulations.

The Parish Council has proposed that the Neighbourhood Plan Area was contiguous with the Parish Boundaries of Great and Little Chesterford. This was considered to be the logical and sensible approach.

RESOLVED to designate the parishes of Great and Little Chesterford as the Great and Little Chesterford Neighbourhood Development Plan Area.

#### CA12 **CABINET WORKING GROUPS**

Members received the annual report of the Cabinet working group, the terms of reference, composition and membership.

RESOLVED to appoint the Cabinet working groups for 2015/16 as set out in the report

### CA13 **REPRESENTATIVES ON OUTSIDE BODIES**

The Cabinet received the list of member appointments to outside organisations.

The Leader reported that it had been decided to dissolve the Futures Board. This was because the work of the Board was now conducted through four subgroups, chaired by independent members, and to meet together as a Board was considered to be unnecessary. Going forward it was hoped that the work of the sub-groups would be more closely integrated with the council's work streams. The sub- group chairs would meet to ensure that there was no duplication of work and the Annual Assembly would continue to be held.

There were still a few member appointments to be made, which would be circulated in due course.

RESOLVED to appoint members representatives to outside bodies, as set out in the report.

### CA13 **APPOINTMENT OF JOINT COMMITTEES**

RESOLVED that the following appointments be made to the Cabinet Joint Committees

**North Essex Parking Partnership**  
Councillor Susan Barker

**Essex Health and Wellbeing Joint Committee**  
Councillors Lesley Wells and Graham Barker

### CA14 **STATEMENT OF COMMUNITY INVOLVEMENT**

The Cabinet received an amended version of the Statement of Community Involvement. The document had been subject to a period of public consultation and the comments received had been considered by the Planning Policy Working Group. No further changes were suggested by the Cabinet members.

Referring to community consultation, Councillor Dean spoke of the danger of consultation fatigue, particularly in relation to the Local Plan and suggested that the Council should consider ways to re-engage the public.

RESOLVED that the amended Statement of Community Involvement, as set out in the report, be adopted

The meeting ended at 8.30 pm



**Committee: Cabinet**

**Agenda Item**

**Date: 23 July 2015**

**7**

**Title: Authorisation for costs associated with taking direct action for clearance of land at Broxted**

**Portfolio Holder: Councillor S Howell  
Cabinet Member for Finance and Administration**

**Key decision: No**

### **Summary**

1. This report has been submitted for members to consider the authorisation of funds to an amount of up to £16,000 plus VAT for the payment of professional fees to Bryan Lecoche Ltd, a Certified Enforcement Agent and Investigator of 1 Marsh Lane, Milton Ernest, MK44 1RB for direct action to clear land at Brick End, Broxted.

### **Recommendations**

2. The Cabinet approve the expenditure.

### **Financial Implications**

3. Costs incurred will be a charge on the land but this is not a guarantee of recoverability. The cost of this work is not budgeted but the expenditure can be transferred from resources.

### **Background Papers**

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - a) Enforcement notice dated 02 June 2013
  - b) Enforcement notice dated 30 January 2014

### **Impact**

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	Whilst direct action does interfere with the right to enjoyment of property contained in Article 1 First Protocol European Convention of Human Rights such interference is provided for by law and is in the general interest. It is therefore permitted by the Article.
Sustainability	None
Ward-specific impacts	Takeley
Workforce/Workplace	None

### Situation

1. This report concerns a small piece of land located opposite the Prince of Wales public House at Brick End, Broxted. The use of the land is for agricultural purposes only.
2. During February 2012 complaints were made to Uttlesford District Council that works were being carried out to the said land.
3. Following an investigation an Enforcement Notice was served on the land owner, on 02 June 2013. The Enforcement Notice took effect on 09 August 2013 and required the cessation of use of the land for outside storage, the removal of fencing, the removal of vehicles and trailers from the land, the removal of the hard core from the land and the re-grading of the earth bund into the land. The time period for compliance with the requirements of the Enforcement Notice was eight weeks from 09 August 2013 unless an appeal was lodged with the Planning Inspectorate. The landowner lodged an appeal against the Enforcement Notice with the Planning Inspectorate but did not pay the required appeal fee. On 19 September 2013 the Planning Inspectorate advised all parties that they had refused to accept the appeal. The result of this was that the Enforcement Notice came back into force and the date for compliance ran from 19 September 2013; compliance with the Enforcement Notice was therefore required by 07 November 2013.
4. On 30 January 2014 a further Enforcement Notice was served in connection with the erection of the building on the land, the siting of the caravan inside the building and the installation of fence panels to a height of 1.8 metres adjacent to the highway. The Enforcement Notice required the removal of the building (and its resultant rubble) from the land, the removal of the caravan from the land and the removal or reduction in height to no more than 1 metre of the fencing. The Enforcement Notice took effect on 13 March 2014 and the time period for compliance was six weeks.

Authorisation for costs for clearance of land at Broxted

5. Following unsuccessful attempts by the Council to ensure the landowner complied with the Enforcement Notices the Council made the decision to take direct action to clear the land. The landowner was advised of this in writing and in November 2014 quotations were obtained for direct action to be taken.
6. One of the companies approached to quote for the direct action was Bryan Lecoche Ltd. Mr Lecoche of Bryan Lecoche Ltd met with the landowner and advised him what would be happening if he were to be instructed by the Council. Following this meeting the landowner began to carry out the works to comply with the two Enforcement Notices. Over the course of the next few weeks the landowner reduced the fencing to the permitted height, he removed the caravans from the land, he removed all but one vehicle from the land, the majority of waste and old tyres, and he re-graded the majority of the earth bunds back into the land. A decision was made that direct action would not be taken because the landowner was endeavouring to comply with the terms of the two Enforcement Notices.
7. The landowner has continued to breach the Enforcement Notices and on 16 June 2015 the two companies who originally quoted for direct action in November 2014 were contacted again.
13. Site visits were carried out on 19 May 2015 and 29 June 2015 which confirmed the land had not been cleared. The breaches now consist of the parking and storage of motor vehicles on the land, the siting of shipping containers and lorry bodies on the land, the storage of mixed waste on the land, the storage of two trailers, the storage of a road roller, the storage of a dumper truck and the construction of a building.
14. To date, the only quotation received is from Bryan Lecoche Ltd who has given a figure of £15,245.66 plus VAT to carry out the remedial works.

**Risk Analysis**

6.

Risk	Likelihood	Impact	Mitigating actions
Direct action is not taken to resolve the breach of planning control.	1 – Providing the cabinet resolves to make funds available.	3 – The Council is under pressure from adjoining residents to secure compliance with the notices.	Direct action to be taken as soon as possible.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

Cabinet 23 July 2015

Authorisation for costs for clearance of land at Broxton

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE**

**ISSUED BY UTTLESFORD DISTRICT COUNCIL**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land and buildings to the south side of Brick End, Broxted, Dunmow in the District of Uttlesford, shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without the benefit of planning permission:

- a. Change of use of the Land from agricultural use to use for open storage;
- b. depositing hard core on the Land;
- c. storage of 'Herris' type fencing on the Land;
- d. storage of trailers on the Land;
- e. storage of vehicles on the Land;
- f. construction of an earth bund on the southern boundary of the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years in respect of b. and c. and four years in respect of a. and d. The Land is within the Countryside Protection Zone around Stansted Airport where there is strict control on new development, planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. In particular development would not be

permitted if it would affect the open characteristics of the zone. Change of use of the Land from Agricultural use to use for open storage, storage of the 'Herris' type fencing, vehicles and trailers, the laying of hard core and the construction of the earth bund is not essential development in this area and by its nature has a harmful effect on this countryside location contrary to Uttlesford Local Plan adopted 2005 Policy S8 (Countryside Protection Zone) and the National Planning Policy Framework.

**5. WHAT YOU ARE REQUIRED TO DO**

- a. Cease using the Land for outside storage;
- b. Remove the 'Herris' type fencing from the Land.
- c. Remove the vehicles and trailers from the Land.
- d. Remove the hard core from the Land.
- e. Re-grade the earth bund into the Land.

Time for compliance: **8 weeks** from the date this notice takes effect

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **9 August 2013**, unless an appeal is made against it beforehand.



Dated: **2 June 2013**

Signed: .....

**Head of Legal Services on  
behalf of Uttlesford District  
Council**

Address to which all communications should be sent:-

Head of Legal Services, Council Offices, London Road, Saffron Walden, Essex,  
CB11 4ER

**IMPORTANT – SEE BELOW**

## **YOUR RIGHT OF APPEAL**

You can appeal against this enforcement notice to The Planning Inspectorate, but you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date this notice takes effect. The enclosed information sheet from The Planning Inspectorate tells you how to make an appeal.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

## **FEE PAYABLE FOR THE DEEMED APPLICATION**

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£670.00** to Uttlesford District Council (made payable to Uttlesford District Council).

Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

### **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

### **PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

Melvin Lee Bass

Bardox

Stansted Road

Elsenham,

Bishop's Stortford

CM22 6EH

And

12 Pulford Place

Stebbing

Essex

CM6 3RL

And

Land to the south of Brick End

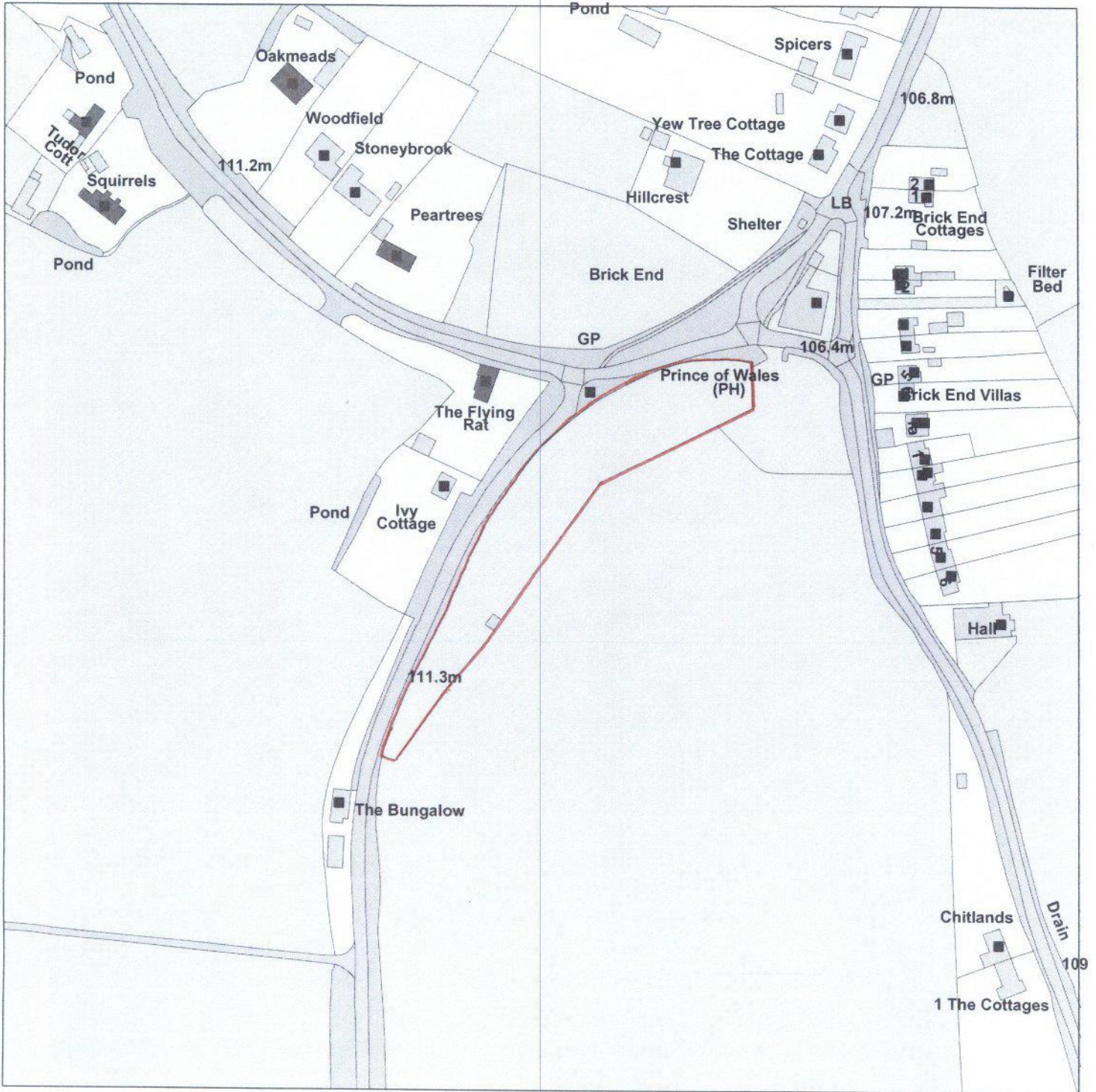
Broxted

Great Dunmow

# Location Plan



GIS by ESRI (UK)



Scale : 1:2171

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Organisation	Not Set
Department	Not Set
Comments	
Date	26 June 2013
SLA Number	Not Set



**IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE**

**ISSUED BY UTTLESFORD DISTRICT COUNCIL**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land on the south side of Brick End, Broxton, Dunmow in the District of Uttlesford, shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

The Land is within the Countryside Protection Zone around Stansted Airport and the lawful use of the Land is agricultural use. Without the benefit of planning permission:

- a. the erection of a building on the Land in the position hatched in blue on the plan not connected with agricultural use;
- b. the siting of a caravan on the Land inside the building erected on the Land hatched in blue on the plan;
- c. the installation of fence panels 1.8 metres in height on the Land adjacent to the highway marked in green on the plan.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years as regards the erection of a building and the installation of fence panels 1.8 metres in height on the Land adjacent to the highway and ten years as regards the siting of a caravan inside the building erected on the Land.

The erection of a building and the siting of a caravan inside the building and the erection of fence panels 1.8 metres in height adjacent to the highway are not development required for agriculture and they have a harmful effect on this location inside the Countryside Protection Zone and is therefore contrary to Policy S8 (Countryside Protection Zone) of the Uttlesford Local Plan adopted 2005 and paragraph 28 of the National Planning Policy Framework.

**5. WHAT YOU ARE REQUIRED TO DO**

- a. Remove the building in the position hatched in blue on the plan from the Land.
- b. Remove the resulting materials and debris from the removal of the building at a. above from the Land.
- c. Remove the caravan sited inside the building in the position hatched in blue on the plan from the Land.
- d. Remove the 1.8 metre high fencing from the boundary of the Land marked in green

OR

Reduce the 1.8 metre high fencing to not more than 1 metre in height.

Time for compliance: **six weeks** from the date this notice takes effect

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **13 March 2014**, unless an appeal is made against it beforehand.

Dated: **30 January 2014**

Signed: .....



**Assistant Chief Executive on  
behalf of Uttlesford District  
Council**

Address to which all communications should be sent:-

Assistant Chief Executive, Council Offices, London Road, Saffron Walden, Essex,  
CB11 4ER



IMPORTANT – SEE BELOW

## **YOUR RIGHT OF APPEAL**

You can appeal against this enforcement notice to The Planning Inspectorate, but you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date this notice takes effect. The enclosed information sheet from The Planning Inspectorate tells you how to make an appeal.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

## **FEE PAYABLE FOR THE DEEMED APPLICATION**

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£770.00** to Uttlesford District Council (made payable to Uttlesford District Council).

Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

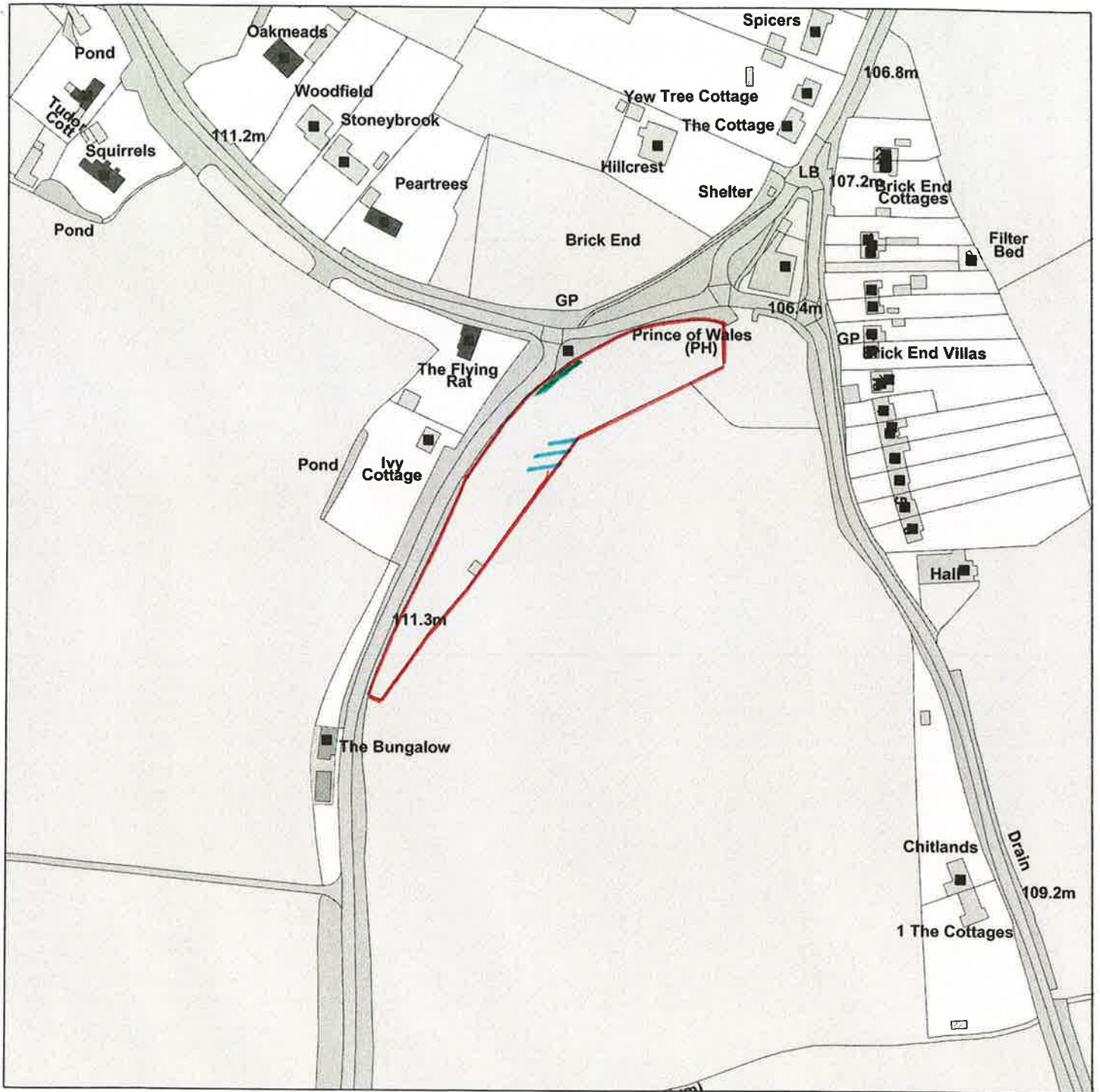
If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

## **PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

Melvin Lee Bass  
12 Pulford Place  
Stebbing  
Essex  
CM6 3RL  
and  
Land at Brick End  
Broxted

Ms Lesley Milczarek  
46 Glebe End  
Elsenham  
Bishop's Stortford  
CM22 6EL  
and  
Land at Brick End  
Broxted

Mr Bass  
(brother of Melvin Lee Bass)  
Land at Brick End  
Broxted





<b>Committee:</b>	<b>Cabinet</b>	<b>Agenda Item</b>
<b>Date:</b>	<b>23 July 2015</b>	<b>8</b>
<b>Title:</b>	<b>Allocations Policy</b>	
<b>Portfolio Holder:</b>	<b>Councillor Julie Redfern</b> <b>Cabinet Member for Housing and Economic development</b>	Item for decision

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### Summary

1. This report outlines proposed amendments required to the council's Allocations Policy following a change in government policy in relation to social housing tenants having a right to move for reasons of employment.
2. In addition to the proposed amendments to reflect this statutory guidance some further amendments have been proposed to offer clarification on the eligibility criteria and the allocation of properties on rural exception sites.
3. The amendments have been endorsed by the Housing Board.

### Recommendations

4. That Cabinet agrees the following amendments to the Allocations Policy:
  - a. incorporate The Right to Move into the Allocations Policy (Appendix III)
  - b. equalise the qualification period for residence and employment within the district to 3 years (5.2.iii)
  - c. add clarification that tenants have to have lived in a flat for more than 2 years and have conducted their current tenancy in a satisfactory manner (8.2.4)
  - d. add clarification on the eligibility criteria and the allocation of properties on rural exception sites (Appendix II)

### Financial Implications

5. None

### Background Papers

6. None

### Published Papers

7. Providing social housing for local people. Statutory Guidance on social housing allocations for local authorities – DCLG December 2013
8. Uttlesford District Council's Allocations Policy
9. The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015

### Impact

10.

Communication/Consultation	Consultation has taken place with members , the public and partners
Community Safety	N/A
Equalities	The policy has been equality impact assessed
Health and Safety	N/A
Human Rights/Legal Implications	The new government statutory instrument is mandatory
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

### Situation

1. The Allocations Policy sets out who is eligible to apply for social rented housing in the district, how people apply for such housing and how applications are assessed and awarded priority. The policy was last amended in December 2014 but needs further revision to take account of recent statutory guidance. It has also been reviewed in response to lessons learnt from the first 6 months, including clarification on the eligibility criteria and the allocation of properties on rural exception sites.
2. Following the issue of a new statutory instrument by the government it is necessary to incorporate The Right to Move into the Allocations Policy (See Appendix 3 of the Allocations Scheme). The Right to Move requires the council to remove the local connection criteria from tenants of social housing who live outside of the district but who need to move to Uttlesford either to

take up a definite offer of employment or to be able to maintain their existing employment.

3. The new regulation also requires that additional preference be given to such applicants. It is proposed that applicants meeting the strict Right to Move criteria are placed in one Band higher than their housing need. The council is able to restrict the numbers assisted by this regulation to no more than 1% of annual allocations and this has been incorporated into the policy change.
4. The current eligibility criteria regarding living outside of the district but working within the district, as set out in para 5.2.1 iii of the policy, has also been re-considered.
5. It is proposed to amend the policy to avoid a situation arising where an applicant who lives and works in the district qualifies for housing after 3 years but an applicant who lives outside of the district but works in Uttlesford qualifies for housing after 2 years. This criterion, agreed after the previous consultation, was seen as a way of making employment sustainable by allowing an applicant to live nearer their employment. It can however seem unfair to those already working and living within Uttlesford.
6. This matter was discussed at the housing board meeting on 30 June 2015 and their recommendation was that the qualification period for residence and employment within the district are equalised at 3 years.
7. Following legal guidance it is also necessary to add into the allocations policy the wording on rural exception allocations that has previously sat within Section 106 agreements.
8. The wording for this change has been agreed between the main provider of rural exception site schemes, Hastoe Housing Association and the council's legal officers (See Appendix 2 of the Allocations Scheme).
9. This amendment to the policy will ensure that rural exception sites can continue to be allocated to those meeting specific rural parish connections
10. The only other amendment to the policy is clarification around the wording of 8.2.4 as to when tenants of flats will be considered for priority for houses of a similar size. When the policy was consulted on it was concurred that tenants who had lived in a flat for more than 2 years and had conducted their current tenancy in a satisfactory manner would have a higher priority. However this wording was omitted in the policy.

## 11. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That rural exception site	3 Significant risk if the	2 Some Risk. There is	By amending the Allocations

## Cabinet 23 July 2015

### Allocations policy

allocations will not be lawful if the detail of how they are allocated does not sit within the Allocation Policy	amendment is not made	a risk of legal challenge on rural exception allocations	Policy the allocation of rural exception site properties will be clearly defined and meet all legal requirements
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.





# **UTTLESFORD DISTRICT COUNCIL**

## **HOUSING ALLOCATIONS SCHEME (ALLOCATIONS POLICY)**

## Uttlesford District Council Housing

# Allocations Scheme

## 1. Introduction

- 1.1 The Council is required, by virtue of Section 167 of the Housing Act 1996 to have an allocations scheme for determining priorities and the procedure to be followed in allocating housing accommodation.
- 1.2 We have written and published this policy so everyone can be clear how:
  - i. Council houses are allocated
  - ii. The homes we are offered by our Registered Providers (RP) are allocated
  - iii. Applicants on our housing register have some choice about the home they are offered;
  - iv. We meet the law's requirements about people whose housing needs we should consider.
  - v. We make best use of the available housing stock within the District
  - vi. We give preference to those applicants who have a local connection to the District
- 1.3 This Allocations Scheme has been formulated in accordance with the provisions of the Housing Act 1996, as amended by the Homelessness Act 2002, and has regard to the Allocation of Accommodation: Choice Based Lettings Code of Guidance 2008, Statutory Guidance on the Allocation of Social Housing 2009, The Localism Act 2011, The Allocation of Accommodation: Guidance for Local Housing Authorities England 2012, Providing social housing for local people: Statutory Guidance December 2013 and recent case law.
- 1.4 In operating the Allocations Scheme, the Council will have due regard to legislation which shall take precedence.

## 2. Choice Based Lettings

- 2.1 The Council allocates accommodation through a Choice Based Lettings Scheme (CBL) called Home Option. The scheme enables applicants to express an interest in available properties which are advertised in a fortnightly publication and on a website. All applicants are provided with detailed information explaining how the scheme operates.

2.2 Under the CBL Scheme, applicants are able to register their interest in properties which are suitable for their household size and needs in accordance with the terms of this Allocations Policy.

### **2.3 Direct Lets**

2.3.1 Direct Lets will not be part of the choice based lettings scheme.

2.3.2 Direct Lets may apply in the following circumstances:

- i. Extra care properties
- ii. If a property is needed to house someone in council property temporarily
- iii. In cases of where someone has to be moved immediately a direct let may be made
- iv. In the case of a specially adapted property built for a specific person
- v. Decants – Council properties required to be vacated by the Council for a specific purpose
- vi. If a previously joint applicant qualifies to be offered the property of which they were previously a joint tenant we will make them an offer of that property
- vii. Where applicants owed a homelessness duty by the Council under Section 193 of the Housing Act 1996 as amended who do not meet the Council's Allocation's Policy eligibility criteria.
- viii. In cases where a multi-agency team requests a planned move to resolve a serious management situation a direct let (one offer only to be made) may only be considered if the situation cannot be resolved by any other means and the tenant is either an existing Uttlesford tenant or the tenant of a RP property within Uttlesford and the subsequent vacancy would be allocated through the council's Choice Based Lettings Scheme

## **3. The Allocations Scheme**

3.1 Allocation of accommodation will be through the Housing Register in accordance with the provisions of the Allocations Scheme.

3.2 The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, Assistant Director

of Housing and Environmental Health will have delegated authority to make decisions, as he/she considers appropriate and these will be fully documented.

3.3 The Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to RPs for which the Council is required to make nominations.

3.4 The provisions of this Allocations Scheme will apply to applicants on the Council's Housing Register at the effective date of this Allocations Scheme, as well as those who apply after the effective date.

3.5 **The Allocations Scheme will not apply in the following cases;**

- i. Where a tenant succeeds to a secure tenancy on the death of a tenant
- ii. Where a tenancy is assigned to a person who would qualify to succeed to the secure tenant
- iii. Where a tenancy is assigned by way of a mutual exchange to an existing secure tenant or RP assured tenant
- iv. Where a tenancy is disposed through the courts (under matrimonial and family proceedings)
- v. Where a priority transfer is agreed in urgent circumstances due to person's safety being at risk.
- vi. Where a property has been identified as temporary accommodation
- vii. Where the council needs to provide alternative accommodation for a council tenant in order to carry out repairs or improvements to their property.
- viii. Where the council has a duty to re-house home owners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s 39, or under the Rent Agricultural Act 1976. (If it is not possible to provide a permanent tenancy immediately, the applicant will be registered within band A of the scheme).
- ix. Where the council grants a secure tenancy to a former owner of a defective home under the Housing Act 1985, s554 or s555

#### 4. The Housing Register

4.1 The Council is not legally obliged to maintain a Housing Register but has chosen to do so.

- 4.2 The Housing Register will be maintained by Housing Services at the Council Offices in Saffron Walden.
- 4.3 The Housing Register will be open to all categories of person except those who are ineligible as defined at Paragraph 5.
- 4.4 The Housing Register will be open to;
- i. homeseekers of 18 years of age and over
  - ii. current council or RP tenants
  - iii. 16 and 17 year olds owed a full housing duty by a local housing authority under homelessness legislation.
  - iv. 17yr 6mth old Care Leavers who were resident in Uttlesford at the time they were placed in Care

## **5. Eligibility categories**

### **5.1 Eligibility**

- 5.1.1 The following categories of applicant may not be eligible for the Housing Register;
- i. Persons subject to immigration control (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing)
  - ii. Persons not habitually resident in the Common Travel Area (i.e. the U.K., Channel Islands, Isle of Man and the Irish Republic)
- 5.1.2 Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act.
- 5.1.3 Eligibility for housing will be determined in accordance with the Allocation of accommodation: guidance for local authorities in England issued by the government under s169 of the Housing Act 1996 Part 6 as amended by the Localism Act 2011.
- 5.1.4 Any other persons the Secretary of State may by regulations prescribe as persons from abroad who are ineligible to be allocated housing by local authorities in England.

### **5.2 Local Connection Eligibility**

- 5.2.1 Any applicant who does not meet the following local connection eligibility criteria will be ineligible and therefore not qualify to join the housing register.

- i. Have lived continuously in the Uttlesford District for the last three years (time spent away at University or college will count as living continuously within the district providing the applicant had previously lived in the district immediately prior to the start of their course.)
- ii. Living outside of Uttlesford but have immediate family members who have lived in Uttlesford for the last 5 years and from whom they are receiving substantial ongoing support.
- iii. Living outside of Uttlesford but have been permanently employed in the Uttlesford District for a minimum of 3 years and working at least 24 hours per week
- iv. Applicants who meet the Right to Move criteria as set out in Appendix 3.
- v. Applicants who were registered on the Housing Register on **31<sup>st</sup> Dec 2014** and who have lived in the District for at least two and a half years continuously prior to this date or whose immediate family support connection has lived here continuously for the past four and a half years prior to this date.
- vi. Other special reasons to be agreed by the Assistant Director: Housing and Environmental Health at their discretion – for example, where an applicant has no safe connection to another area due to violence.

5.2.2 The following categories of person will be exempt from local connection criteria:-

- i. Existing social housing tenants residing in the Uttlesford District
- ii. Applicants who are serving members of the regular forces or who have served in the regular forces or been honourably discharged, if the application is made within five years of their date of discharge.
- iii. Applicants who have recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:-
  - the spouse or civil partner has served in the regular forces; and
  - their death was attributable (wholly or partly) to that service

- Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service and the application is made within five years of discharge.

### **5.3 Financial Eligibility**

- 5.3.1 Any applicant who in the opinion of the Council has sufficient funds including: annual income, residential property equity, savings, or other assets to enable them to meet their own housing costs by open market purchase or open market renting will be ineligible to join the housing register.
- 5.3.2 Any lump sums received as compensation for injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, will be disregarded from this criterion
- 5.3.3 Owner Occupiers, or other applicants who are financially ineligible to join the housing register, will be eligible to join if they qualify for sheltered housing.

### **5.4 Housing Related Debt Eligibility**

- 5.4.1 Applicants with housing related debt will generally not be eligible to join the housing register if they are not addressing the debt. Housing related debt includes rent arrears to the Council, RP, other local authority or private landlord, also Council Tax and any monies given through the Councils Rent Deposit Guarantee Scheme.
- 5.4.2 When a financial assessment carried out by the Council shows that the debt cannot be cleared immediately then a realistic and affordable repayment arrangement should be agreed to clear the debt.
- 5.4.3 Applicants will become eligible to join the register if they have an agreed repayment plan in place and have made regular payments for at least 12 months or the debt has been cleared in full.
- 5.4.4 Council and RP tenants who have been accepted onto the housing register but have rent arrears on their current property will not be offered another tenancy until all rent arrears have been cleared in full.
- 5.4.5 Accepted homeless applicants who have rent arrears on their current temporary accommodation will not be offered

accommodation that would discharge the Council's homelessness duty until the rent arrears are cleared in full.

5.4.6 Housing Associations may also hold their own policy on debt.

5.4.7 All cases of housing related debt will be considered on an individual basis taking account of all the information provided by all interested parties.

## **5.5 Exclusions from the Housing Register**

5.5.1 The Council may exclude someone from the register if it considers it proportionate and reasonable to do so as a result of unacceptable behaviour. The Council will take into account all relevant factors such as health, dependants and the individual circumstances of the applicant when making these decisions. The decision to exclude someone from the housing register will in the first instance be made by the Housing Needs Team Leader.

## **5.6 Unacceptable Behaviour**

5.6.1 "Unacceptable behaviour" " is defined as behaviour, which would, if the person was either a secure tenant or a member of a secure tenants household, entitle a landlord to a possession order under any of grounds 1 to 7 of HA 1985 sch 2."

5.6.2 If an applicant who has previously been refused an application onto the housing register because of unacceptable behaviour and considers that their unacceptable behaviour should no longer be held against them they can complete a new application from.

5.6.3 When making decisions regarding unacceptable behaviour Uttlesford District Council will consider:

- i. If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- ii. When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed, this will be a minimum of two years and whether there has been any change in circumstances.
- iii. What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for the landlord to be granted a possession order as detailed above.



- iv. Whether the behaviour is serious enough to make the applicant unsuitable as a tenant.
- v. If the applicant or any member of their household is subject to an Anti-Social Behaviour Order an Acceptable Behaviour Contract or any similar penalty introduced by the ASB and Crime and Policing Act 2014 or any relevant legislation.

5.6.4 The Council may decide to exclude existing applicants from the register where they become aware of unacceptable behaviour that would make them unsuitable to be a tenant.

5.6.5 All decisions made by the Council in relation to excluding applicants from the housing register are subject to review if requested by the applicant (see 16).

## **5.7 Notifying an ineligible applicant**

5.7.1 Applications from ineligible applicants will not be registered. The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them.

## **6. Application to the Housing Register**

### **6.1 Advice and Information**

6.1.1 The Council will ensure that advice and information is available free of charge to persons in the District about the right to make an application for housing.

6.1.2 The advice and information can be provided by the Council on the phone, by letter/e-mail or in person at the Council Offices. Applicants may also seek advice from other agencies such as the Citizens Advice Bureau.

6.1.3 Applicants will be required to complete an on-line application form for inclusion on the Housing Register and to provide supporting documentation as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made.

### **6.2 Joint Applicants**

6.2.1 Applicants may be a joint applicant with another person although for a joint application, both applicants must be eligible under this

policy, except for the local connection criteria where only one of joint applicants needs to meet the criteria.

### **6.3 Definition of a household**

- 6.3.1 Applicants should only include persons on their application who will be part of their household and occupying the accommodation as their only principal home.
- 6.3.2 Non- dependent children/step-children or adults previously dependant on the applicant, will only be considered as part of the household where they have had continuous recorded residence with the applicant and have never had their own independent accommodation, unless this was whilst in further education.
- 6.3.3 Applicants with a shared residence order or staying contact for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the council will not accept responsibility for providing a second home for children. The council will make an assessment based on the individual circumstances.

### **6.4 Documents**

- 6.4.1 As part of the application process, applicants will be asked to provide documentary proof of certain things such as:
  - i. Photographic proof of their identity and that of all those included on their application
  - ii. Their current address
  - iii. Proof of meeting the local connection residency criteria
  - iv. Details of any dependants living with them
  - v. Their income
  - vi. Their savings
  - vii. Details relating to previous accommodation where appropriate
- 6.4.2 We may require additional information according to an applicant's circumstances and may sometimes need to contact third parties to verify the information that the applicant has given us. By completing

the application form applicants, as detailed on the form, are giving consent for us to do this.

6.4.3 If all the required supporting documents are not received within 28 days the application will be cancelled.

6.4.4 If assistance is needed in making an application to the Housing Register help will be available from the Housing Services Department.

## 6.5 User guide

6.5.1 When an applicant has been found to be eligible to join the Register, we will assess their application and they will receive a letter of confirmation and access to an on-line Scheme User Guide which will tell them:

- i. Their HomeOption identification number;
- ii. The Band that their application has been placed in and the date from which this takes effect
- iii. The size of home for which they are eligible
- iv. Details of how they can register interest for a home under CBL

**6.5.2 If from an application form we have identified that an applicant may need assistance with using the Scheme we will add their name to a database of applicants for whom assistance with making expressions of interest is offered. Applicants can be added to this list at any time upon their request.**

6.5.3 A printed version of the User Guide can be provided on request.

## 6.6 Renewal of applications

6.6.1 In order to keep the Housing Register up to date, applicants will be required to renew their application, this will normally be on the anniversary of their application. Applicants will be prompted to renew their application when they log on to the HomeOption website. They will also be sent an email to the email address supplied on their application or a letter to the address registered on the application.

6.6.2 If an applicant fails to renew their application within 28 days from the date they received a communication to say that renewal is due,

they will be deleted from the Housing Register without further notification.

## **6.7 Cancelling an application**

6.7.1 We will only cancel an application if:

- i. The applicant has written to us to ask us to cancel it, or
- ii. The applicant has not responded to the renewal requests (see paragraph 6.6 above) or
- iii. The applicant has accepted an offer of accommodation through HomeOption.
- iv. The applicant has ceased to be eligible (see paragraph 5 above), or
- v. The applicant has made false or deliberately misleading statements in connection with their application (see paragraphs 18 below)
- vi. The applicant has not provided documentary proofs for their application within 28 days of completing the on-line form

## **7. Access to Information**

7.1 Upon written request, an applicant, will be able to;

- i. receive a copy of their details entered on the Housing Register free of charge
- ii. receive copies of documents provided by them
- iii. have access to their file in accordance with the provisions of the Data Protection Act 1998
- iv. ask for a formal review of any decisions about the facts of their case
- v. be informed in writing of any decision about the facts of their case and of their right to request a review of any such decision
- vi. receive general information to enable an applicant to assess;
  - how their application is likely to be treated

- whether accommodation appropriate to their needs is likely to be available and, if so, when

## 8. Assessment of Housing Need and Allocation of Properties

### 8.1 Assessing Housing Need

- 8.1.1 Applicants housing circumstances are assessed on their individual circumstances and their application placed in one of five Bands. These Bands ensure that we give greatest priority to those in the greatest housing need, so that we make the most effective use of available homes. The law also requires us to give preference to certain categories of housing need, and these have been included within the banding priority criteria.
- 8.1.2 Band A is considered the highest priority of housing need, Band B the next highest etc., with Band E being the lowest priority.
- 8.1.3 Within each Band, the applicant with the greatest priority is the applicant who has spent the longest time in that band.
- 8.1.4 Some allocations will be dealt with outside the scheme; these are explained in paragraphs 2.3 and 3.2.
- 8.1.5 Where an applicant or one of joint applicants is a tenant of the Council at the time of the application then the property subject to that tenancy will be inspected by the Council to ensure compliance with the terms of the tenancy agreement before the application is processed.
- 8.1.6 Further details of how each band has been assessed is provided below:

#### **The Band Criteria**

##### **8.1.6.1 BAND A**

Applicants meet at least one of the following criteria

- i. Accepted Homeless in severe need
- ii. Critical Medical/Welfare award – to include emergency situations
- iii. Relationship breakdowns in council properties where applicants are under-occupying but have

been assessed as having housing need within Uttlesford

- iv. Successor tenants in council properties where applicants are under-occupying
- v. Releasing a property in need (council or RP property that the Council has nominations rights to) or where it prevents the Council making expensive alterations to a property
- vi. Those applicants within Uttlesford required to leave their homes as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004
- vii. Uttlesford Council tenants, or tenants in RP property where the Council will receive the nomination, who are currently in accommodation larger than their needs(Uttlesford tenants may be eligible for removal expenses grant see paragraph 9.21 below)
- viii. Multiple needs - If someone has two or more needs in band B they will be moved to band A (accepted homeless cases do not come under this category – if additional preference is needed for homeless cases they will be assessed as accepted homeless in severe need)

8.1.6.2 High welfare and multiple needs in band A would be expected to express an interest within 4 cycles of available properties otherwise priority may be reduced.

#### 8.1.6.3 **BAND B**

Applicants meet at least one of the following criteria

- i. Serious Medical/Welfare award
- ii. Overcrowding in permanent social housing within Uttlesford
- iii. Accepted homeless cases
- iv. Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the council as likely to be in priority need and who are receiving housing advice from the council

to prevent homelessness. If in rented accommodation under an assured or assured short hold tenancy or tied accommodation this threat will be deemed to exist at the point at which the applicant's landlord can begin an application to the Court to seek possession of the property. This is the point at which a notice of seeking possession or notice to quit expires and there is a clear indication that the landlord intends to seek possession.

- v. Nominations from supported housing schemes where the Council has agreed move-on arrangements and the applicant is ready to move on. These applicants will be able to use the CBL scheme for a period of 4 weeks from the date they are placed into this band to express interest in any suitable flatted accommodation. If they have not been successful after the end of this period they will be made one offer of suitable flatted accommodation which may be either in the private or social sectors which if they refuse will result in them being down banded to a band that reflects their housing need.
- vi. A prohibition order or demolition order has been served, or is about to be served in relation to the applicant's dwelling. This indicates that the property contains one or more category 1 hazards that probably cannot be remedied.
- vii. An improvement notice has been, or is about to be, served in relation to the applicant's dwelling and :-
  - a. The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time
  - b. The cost of the remedies are beyond the means of the applicant (where applicable)
  - c. The remedies will make the property unsuitable for occupation by the applicant
- viii. Multiple needs – Applicants with four or more needs in band C will move to band B

#### 8.1.6.4 **BAND C**

Applicants meet at least one of the following criteria

- i. Moderate medical/welfare award

- ii. Notice of Seeking Possession
- iii. Notice to Quit - other than s.21 HA 1988 notices served at the start of a tenancy
- iv. Applicants who are homeless or threatened with homelessness who are assessed by the council as not in priority need
- v. Applicants who following a homelessness application have been deemed by the council to be in priority need but intentionally homelessness
- vi. No fixed abode
- vii. Overcrowded in private rented accommodation or social housing outside Uttlesford
- viii. Fixed term licensees
- ix. Shared facilities – not generally applicable for single applicants under 35yrs
- x. Lacking facilities
- xi. A hazard awareness notice has been served in relation to a category 1 or 2 hazard at the applicant's dwelling

and

the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time;

or

the cost of the remedies are beyond the means of the applicant (where applicable);

or

the remedies will make the property unsuitable for occupation by the applicant

#### 8.1.6.5 **BAND D**



- i. Applicants assessed as meeting Right to Move criteria who have been placed in one Band higher than their housing need.

#### 8.1.6.6 **BAND E**

Applicant meets at least one of the following criteria

- i. Caravan or mobile home but no housing need
- ii. Tied accommodation but no housing need
- iii. Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities.
- iv. In prison
- v. A suspended prohibition order or improvement notice has been or will be served by the Environmental Health Department in relation to the applicant's dwelling but the criteria leading to it becoming active are not met by the applicant.
- vi. A hazard awareness notice or improvement notice has been or will be served in relation to the applicant's dwelling but the specified remedies are low cost and straight-forward to achieve.

## 8.2 **Allocation of Properties**

8.2.1 With the exception of those allocations dealt with outside the scheme; these are explained in paragraphs 2.3 and 3.2 properties will be allocated to the applicant who expressed interest in the property, who is in the highest Band and with the earliest priority date within that Band.

8.2.2 At the time of the offer of a property applicants will be asked to provide proof that they continue to meet all eligibility criteria to be included on the housing register

8.2.3 Where two applicants have the same priority date in the Band the property will be allocated to the household who it is judged to have the family composition that makes best use of the accommodation. This will be decided by a Senior Manager and the reasons documented

**8.2.4 Houses** – Transfer applicants and homeseekers who are tenants of RP accommodation within Uttlesford, where UDC has the nomination rights, will be given priority for houses with the same number of bedrooms as their current property ahead of other homeseekers, even if they are in a lower Band or have a lower priority date, providing they meet the following criteria:-

- Currently living in a flat
- Have lived in the flat for more than 2 years
- Have conducted their current tenancy in a satisfactory manner

For properties larger than one bedroom this will only apply if there are children under 16 within the household.

## 9. Housing Priority

### 9.1 Deciding who has priority on the register

9.1.1 Applicants will be placed in the relevant Band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with the legal duties of the Council.

### 9.2 Overcrowding

9.2.1 Homeless applicants placed in temporary accommodation by the council will not be assessed under the criteria for overcrowding.

9.2.2 Applicants will be placed in Band B if they are overcrowded, i.e. lacking one or more bedrooms and live in Council or Housing Association properties where the Council has nomination rights to the RP.

9.2.3 Applicants will be placed in Band C if they are overcrowded in private rented accommodation or living with relatives or friends.

9.2.4 Overcrowded applicants with a local connection to Uttlesford, but living in Council or Housing Association properties outside the District will be in Band C.

9.2.5 Rooms which do not meet the standards for use as living accommodation for one person (the standards are given in the Housing Act 1985 Part X) will not be counted.

9.2.6 If applicants need an extra room for medical or welfare/hardship reasons they will not be considered overcrowded but will be assessed for medical or welfare priority.

9.2.7 Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds.

9.2.8 Where an applicant is pregnant and the birth of the child will mean that they are entitled to a larger property, the applicant will not receive overcrowding priority until the baby is born.

### **9.3 Children sharing bedrooms**

9.3.1 Two children of the same sex are expected to share a bedroom until one of them reaches the age of 16.

9.3.2 Two children of the opposite sex are expected to share a bedroom until the oldest is 10 years old.

### **9.4 Applicants without children**

9.4.1 Single applicants and couples without children who are living in overcrowded conditions will not be given priority for overcrowding unless they are in self-contained accommodation which is too small, for example a couple in a one person bed-sit. Young adults living with their parents or people temporarily sharing with friends will not get overcrowding priority.

### **9.5 Disrepair, poor design and lack of facilities**

9.5.1 Any complaint about poor repair within Council or RP properties must be reported to the applicant's landlord's Repairs service.

9.5.2 Applicants living in private sector accommodation in poor condition must be referred to the Council's Environmental Health Department who will assess the situation and then make their recommendations according to the Allocations Scheme.

9.5.3 If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or adequate heating they will be placed in Band C.

### **9.6 Sharing with another household**

9.6.1 Applicants will be placed in Band C if they share any of the following facilities with either people they are not related to or their family if they are wishing to live separately from them.

- i. living room

- ii. kitchen
- iii. bathroom or toilet.

9.6.2 Single applicants under the age of 35 who are sharing will generally be considered as adequately housed. Consideration will be given for applicants in special circumstances.

## **9.7 People living in mobile homes or caravans**

9.7.1 Applicants living in a caravan, mobile home or houseboat will be placed in band E if there is no other housing need, reflecting parity with other private sector applicants.

9.7.2 It does not matter if the caravan is on a site or not or if they own or rent the property.

9.7.3 If their accommodation lacks facilities or is in poor repair (see paragraph 9.5) they will be placed in band C.

## **9.8 Homelessness**

9.8.1 Accepted homeless households are applicants to whom:

- i. The Council has accepted a duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) **and**
- ii. the council accepts a duty to provide suitable accommodation.

9.8.2 In the first instance the Council will look to discharge its homelessness duty for all accepted homeless applicants within the private rented sector. The Council will ensure that any offer of private rented housing is appropriate to the needs of the household, that the length of any tenancy is a minimum of 12 months and that the property meets the Homelessness (Suitability of Accommodation) (England) Order 2012. An assessment will also be carried out to assess the affordability of the property, including the eligibility to receive Local Housing Allowance/Housing Benefit. The property may not be within the Uttlesford District.

9.8.3 Whilst the Council is looking for suitable accommodation within the private sector, applicants who meet the Council's Allocation Policy eligibility criteria will be allowed to make expressions of interest on suitable properties advertised through the CBL system. If after a period of 2 cycles from when the applicant received their S.184

decision letter they have either not been offered a suitable private sector property or been successful through the CBL system, the Council will express interest on their behalf and make one final offer of suitable accommodation. This will be in whichever tenure is available first and will generally be flatted accommodation. If this offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to have been discharged.

- 9.8.4 Accepted homeless applicants, who meet the Council's Allocation Policy eligibility criteria, who are housed in temporary accommodation provided by the Council, including Bed & Breakfast accommodation, hostels or homeless at home, will be placed in Band B. Accepted homeless applicants in severe need will be placed in Band A
- 9.8.5 Homeless applicants who do not meet the Council's Allocation Policy eligibility criteria will be made only one offer of suitable accommodation. This will be a final offer and will generally be a in the private rented sector. If a suitable private rented sector offer cannot be made within 3 months of the Section 184 decision letter, the council may make one final offer of suitable flatted social housing accommodation. If this offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to have been discharged.
- 9.8.6 When a private rented property becomes available it will be offered to the accepted homeless applicant for whom the property is suitable and if this is more than one applicant, it will be offered to the applicant with the earliest homeless application date.
- 9.8.7. Any private rented tenancy that discharges the council's homelessness duty will be for a period of not less than 12 months. If within 2 years, beginning with the date on which the applicant accepts a private rented sector offer, the applicant re-applies for accommodation, or for assistance in obtaining accommodation, and if the applicant is found to be homeless (from the date of the expiry of the termination notice) and did not become homeless intentionally from the private rented accommodation, the Council will accept a homelessness duty regardless of whether the applicant has a priority need.

## **9.9 Accepted homeless households in severe need**

- 9.9.1 These are applicants to whom:
- i. the council has accepted a duty under the Homelessness legislation **and**
  - ii. they meet the Councils eligibility criteria

- iii. are elderly and vulnerable due to frailty\* **or**
- iv. have a terminal or long-term illness **or**
- v. have severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act **or**
- vi. are permanent wheelchair users **or**
- vii. are council or RSL tenants who have an urgent need to transfer as they are suffering from violence or threats of violence and are considered to be at significant risk

9.9.2 Where the above circumstances apply these applicants will be placed in Band A.

9.9.3 The Council will decide who will be placed in Band A. Recommendations will be made by the Housing Officer dealing with the case because they have the most accurate and up-to-date information on the applicant, due to the investigations carried out before an applicant is accepted as homeless.

9.9.4 \*Elderly non-frail applicants may still be placed in Band A, however clear supporting evidence will be required to support their application.

## **9.10 Other Homeless households not owed a duty**

Other homeless applicants who are not owed a duty under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) are still entitled to reasonable preference and will be placed in Band C of the scheme.

## **9.11 Prevention of homelessness**

9.11.1 Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the council as likely to be in priority need and who are receiving housing advice from the council to prevent homelessness will be placed in Band B. If the applicant is in rented accommodation under an assured or assured short hold tenancy the threat of homelessness will be deemed to exist at the point at which your landlord can begin an application to

the Court to seek possession of their property. This is the point at which a notice of seeking possession or notice to quit expires.

9.11.2 If they are subsequently accepted as homeless they will remain in Band B but their earlier effective date will remain.

9.11.3 An applicant is subsequently deemed to be not working with the Council and who has not expressed interest in suitable properties advertised through the CBL system or has refused a suitable offer of accommodation will be down banded to the Band that otherwise reflects their housing need.

### **9.12 Assured shorthold tenants under notice**

9.12.1 Assured shorthold tenants who have received a 'Notice Requiring Possession'/ Notice to Quit from their landlord will be placed in Band C if there is less than three months before the notice expires.

9.12.2 All applicants will be offered advice regarding their housing options.

### **9.13 Lodger under notice**

9.13.1 This applies to applicants living in the same property as their landlord.

9.13.2 They must be renting a room that is for their own use only, and be paying a market rent.

9.13.3 Proof that notice has been served is required.

9.13.4 They will be placed in Band C if there is less than three months before the notice expires.

9.13.5 The Council will then check to see whether the notice will be enforced.

### **9.14 Tenants of tied accommodation under notice**

9.14.1 Tenants in tied accommodation with no need to move will be placed in Band E.

9.14.2 If they have received a legal notice asking them to leave that accommodation they will be placed in Band C.

### **9.15 Protected tenants with a possession order**

9.15.1 This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured shorthold tenancy).

9.12.5 They must have been served with a court order for possession and then will be placed in Band C.

### **9.16 Fixed-term licensee**

9.16.1 This applies to applicants living in supported housing schemes. Applicants in these schemes will be placed in Band C.

9.16.2 Applicants in supported housing schemes where the Council has agreed move-on arrangements will be placed in Band B if they are judged as ready to move on.

9.16.3 Applicants accepted by the Council as being owed the full homeless duty and in a specialist refuge for victims of domestic abuse will be placed in Band B

### **9.17 Applicants with no fixed address**

9.17.1 This applies to applicants who have no fixed address.

9.17.2 They will be placed in Band C.

9.17.3 If they are in prison they will be placed in Band E.

### **9.18 Medical, welfare, hardship and harrassment**

9.18.1 Important: priority can only be awarded under **one** heading: medical, welfare, hardship or harassment.

9.18.2 Applicants can be assessed under all headings, but get awarded priority under only one heading.

9.18.3 Any medical or welfare priority can be reassessed if an applicant's circumstances change.

### **9.19 Medical assessments**

9.19.1 This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

9.19.2 Applicants may also be awarded priority if the applicant is asking to be rehoused so they can receive care or specialist support.

9.19.3 Extra information may be sought from private sector landlords, housing officers, GPs, health visitors and other parties.

9.19.4 The table below is used to act as a guide to priority:



Effect on housing	Medical Problem			
	Very Serious	Serious	Moderate	Low
Very Serious	Band A	Band B	Band C	No award
Serious	Band B	Band B	Band C	No award
Moderate	Band C	Band C	Band C	No award
Low	No award	No award	No award	No award

9.19.5 Assessments of medical priority will be carried out by two senior officers in consultation with any officers with direct knowledge of the applicants and using all information available at the time and using the above guide.

9.19.6 Applicants accepted under Homelessness legislation will not be eligible for medical priority. If a homeless applicant's temporary accommodation is unsuitable on medical grounds the Council will first look to see if alternative temporary accommodation can be found.

9.19.7 Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.

## 9.20 Welfare/Hardship/Harassment assessments

9.20.1 This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

9.20.2 These people will have a need to move but may not get medical priority because their present housing may be suitable for their needs.

9.20.3 The table below is used to act as a guide to priority:

Need for settled suitable accommodation	Level of Vulnerability		
	High	Medium	Low
High	Band A	Band B	Band C
Medium	Band B	Band B	Band C
Low	Band C	Band C	Band C

9.20.4 Welfare/Hardship/Harassment priority will be carried out by two senior officers in consultation with any officers with direct knowledge of the applicants and using all information available at the time and using the above guide.

9.20.5 Homeless applicants will not be looked at under welfare issues. If a homeless applicant's temporary accommodation is unsuitable on

welfare grounds the Council will first look to see if alternative temporary accommodation can be found.

9.20.6 If a homeless applicant or household is particularly vulnerable and they may be at significant risk in temporary accommodation the Council can consider the category of 'accepted homeless applicants in particular need' to increase them to band A (see paragraph 9.9).

## **9.21 Tenants with a home that is bigger than they need**

9.21.1 This applies to Uttlesford District Council secure tenants or tenants of RPs (where the Council has nomination rights), who are 'under-occupying' their homes and want to move to a smaller property. These applicants are given high priority because it enables a household with high need to move into the freed up larger home.

9.21.2 Applicants who are currently in property larger than their needs will be placed Band A.

9.21.3 Where an Uttlesford District Council tenant is downsizing to a Council or RSL property they may be eligible for a downsizing grant to help with removal costs. For further details please see the Council's Decant Policy.

## **9.22 Applicants offered housing because of the death of an Uttlesford Council secure tenant**

9.22.1 This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.

9.22.2 To be a 'successor tenant' the applicant has to meet certain rules – usually must be related to the tenant, or be their partner, and have lived in the property a certain time. The rules for this are in the tenancy conditions for the property.

9.22.3 If the successor tenant does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985. This will be served more than six months but less than twelve months after the tenant's death.

9.22.4 Where successor tenants are in a property larger than they need or with major adaptations they do not require they will be placed in band A. They are able to express an interest for suitable properties under the scheme. If they have not expressed an interest within six months of their application their case will be reviewed and the

Council may reserve the right to express an interest for them on suitable properties.

### **9.23 Uttlesford Council secure tenants offered housing because of a Relationship breakdown**

9.23.1 This category applies to Uttlesford secure tenants only.

9.23.2 If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.

9.23.3 Applicants will be placed in Band A when there is a relationship breakdown and the joint tenant moves out and ends the tenancy and the other tenant qualifies to be offered a smaller property.

9.23.4 They will be able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed. The Council reserves the right to express an interest for them on suitable properties.

9.23.5 If a property is then subsequently refused they will have no right to remain in their current property and therefore action will be taken by the council to gain possession of the property.

9.23.6 If an applicant qualifies to be offered the same property we will make them a direct let offer of that property.

### **9.24 Transfers which will release a property that is needed**

9.24.1 Applicants will be placed in Band A of the scheme if they wish to move **and**

- i. the property they would leave is needed to meet the urgent housing needs of another household on the register which otherwise would not be met within a reasonable time **or**
- ii. where it prevents the Council making expensive alterations to the property **and**
- iii. there is not a serious shortage of the types of home they want to move to.

### **9.25 Applicants who have deliberately made their housing situation worse**

9.25.1 The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need,

and consequently improve their chances of re-housing through the register.

9.25.2 If it is decided that the applicant has made their housing situation worse, they will remain in the band that reflects their housing need in their previous accommodation.

9.25.3 If the applicant was not registered from their previous address, the assessment of housing need will be based on the accommodation occupied before their accommodation changed.

9.25.4 The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new band.

## **9.26 Owner-occupiers**

9.26.1 Applicants who previously owned a property and have sold it will be asked to provide proof of the sale and evidence of any proceeds received.

9.26.2 Owner-occupiers will generally not be eligible to join the housing register unless they are able to demonstrate that they are unable to meet their housing needs through their own resources.

9.26.3 Property owners over 60 will be eligible to join the housing register if they can demonstrate a need for sheltered accommodation.

## **9.27 Applicants in 'tied' accommodation which is suitable for their needs**

9.27.1 Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee. This includes applicants who are accommodated by HM Forces.

9.27.2 Applicants in 'tied' accommodation will be placed in band E. They will be moved to Band C if:

- i. they are six months away from retirement **or**
- ii. they have received a legally binding notice asking them to leave their accommodation.

## **9.28 Deciding the effective date**

9.28.1 Priority within bands relates to an applicant's effective date. The effective date is usually the date the application is received, except;

- i. Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.
- ii. Where an applicant receives priority on medical or welfare grounds their effective date will be the date the Council receives the required supporting evidence to make this award.
- iii. Where an applicant has been accepted as Homeless their effective date will be the date they applied as homeless; unless they already qualify for Band B with an earlier date.

### **9.29 Armed Forces Priority**

9. 29.1 Members of the Armed Forces, who are in urgent housing need who fall within one or more of the following criteria, will be placed in one Band higher than their housing need.

- i. Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- ii. Formerly served in the regular forces or was honourable discharged where the application is made within 5 years of their date of discharge
- iii. Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
- iv. Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

9.29.2 For this purpose "the regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006(4)

### **9.30 By-passing applications that would otherwise meet eligibility criteria for an offer of accommodation**

The Council reserves the right to by-pass an offer of accommodation while shortlisting applicants in the following circumstances

- i. The property is not in accordance with an applicants assessed medical needs

- ii. Applicant has pets and the property is not suitable or pets are not permitted
- iii. Applicant has housing related debt where an agreed repayment plan has been breached (see 5.4)
- iv. Applicant is a Council or RP tenants with rent arrears (see 5.4)
- v. If the applicant does not meet the rules relating to age or household size by the RP advertising the property.
- vi. Other reasons where the Council deem that a sensitive allocation is necessary and this has been agreed by a Senior Manager .
- vii. If the applicant has been offered a property and have not yet refused that offer.
- viii. If the applicant is unable to view or accept the property within the required timescale.
- ix. Where the applicant has not notified the Council of a change of circumstances material to their application.

### **9.31 Penalty for refusal of offers of accommodation**

Any applicant (except from existing Council or RP tenants who are under-occupying and wishing to move to smaller accommodation) who refuses 2 offers of accommodation, for properties on which they have expressed interest, within a 6 month period, will have their application e suspended for 12 months.

## **10. Types of Tenancies**

- 10.1 The type of tenancy an applicant will be offered will be in accordance with the Council's tenancy policy or the tenancy policy of the landlord of the property. Tenancy policies will be set having regard to the West Essex Tenancy Strategy.
- 10.2 The Council will offer joint tenancies to adult partners where there is a need for a long term commitment to a joint home, except where one of the prospective joint tenants is excluded from or ineligible to join the housing register.
- 10.3 Generally, homeless applicants residing at homeless accommodation (including the Council's managed short stay accommodation) or bed and breakfast accommodation, if offered Council accommodation, will be offered an Introductory Tenancy followed by secure or flexible tenancy in accordance with the Council's Introductory Tenancy Scheme and Tenancy Policy.

## 11. Tenancy Start Dates

- 11.1 The Council will allow applicants 7 days to reach a decision whether to accept any Council accommodation they are offered, although we may allow longer having regard to personal circumstances.
- 11.2 Where possible the applicant will be given an opportunity to view the property they are being offered before they have to give the Council a decision.
- 11.3 If the applicant is interested in the tenancy they will either be advised by telephone when the property is ready for letting or receive a formal offer of the tenancy by first class post.
- 11.4 Generally, for properties becoming ready for letting on Friday, the tenancy start date will be the following Monday.

## 12. Redecoration Scheme

Internal decorations to an Council property are the tenant's responsibility. However, if a property (excluding sheltered accommodation) offered to a housing applicant is, in the view of the inspecting officer, in need of redecoration, a voucher for the purchase of an appropriate amount of paint will be provided.

## 13. Designation of Property Type – Age restrictions

- 13.1 To make best use of housing stock properties are designated as being either general needs or for older persons or people with disabilities.
- 13.2 Older person's properties, such as bungalows, will normally be allocated to the following categories of person:-
- i. Those aged 60 or over (55 for some RP accommodation)
  - ii. Those under 60 with Band B medical assessment for mobility who require this type of accommodation. In these circumstances single people and couples will only be offered 1 bed bungalows and will not be able to express interest in general needs properties.
- 13.3 In areas of lower demand some bungalows may be advertised without an age restriction, however, in the first instance preference will still be given to applicants over 60 expressing interest.
- 13.4 General needs properties such as houses or flats will be allocated to persons under 60 unless there are special circumstances which indicate that a particular general needs property is suitable for and applicant who is 60 or over.

## **14. Allocating Sheltered Housing**

14.1 When allocating sheltered housing the same general principles as for other property types are followed, apart from the following:

- i. An assessment of the applicants suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.
- ii. When assessing suitability for sheltered housing applicants will also be given advice about the allocation scheme and how to bid. If an applicant needs help with the process, this will be noted and appropriate arrangements made.
- iii. Applicants must generally be over 60 years of age to be eligible for sheltered housing (over 55 for some RP accommodation)

## **15. Properties designed or adapted for people with physical disabilities**

15.1 If an applicant needs a home suitable for wheelchair users or needs other specialist adaptations we will usually require an assessment by an Occupational Therapist before an offer can be considered. (Please refer to the Council's Disabled Adaptations Policy)

15.2 Homes particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.

15.3 Properties which have been adapted to a very high standard may not be included in the scheme and may be directly allocated.

## **16. Reviews**

16.1 If an applicant considers they have been unfairly or unreasonably treated having regard to the provisions of the Allocations Scheme they have the right to request a review of their case. (i.e. the band they have been placed in)

16.2 In the first instance, they must appeal in writing to the Housing Needs Team Leader and will receive a written response within 10 working days.

16.3 If, having received this response they wish to make a further appeal they can write to the Housing Needs and Landlord Services Manager who will then review the case.

## **17. Equal Opportunities**

17.1 The Council's allocation scheme will be operated strictly in accordance with Council policy irrespective of an applicant's ethnic origin, race,



nationality, colour, religion, gender, sexual orientation, marital status, age or disability.

17.2 The Council will have regard to, and implement, the provisions of the Race Relations Code of Practice in Rented Housing, which it has adopted. The Council will also abide by the Race Relations Act 1976.

17.3 As an aid to ensuring that applicants are not discriminated against on the grounds of race, the Council will monitor the racial origin of:

- i. Applicants on the Housing Register
- ii. Applicants allocated housing
- iii. Applicants offered sheltered accommodation

17.4 The practices and procedures of Housing Services will be monitored by the Head of Service to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that practices or procedures may be contravening the Equalities Act 2010.

## **18. False and Withheld Information**

18.1 It is an offence for anyone seeking housing assistance from us to give false information or withhold information that may affect their application for housing.

18.2 This could result in:

- i. Criminal prosecution
- ii. Cancelling the applicant's housing register application (see paragraph 6.6 above)
- iii. Possession proceedings for any tenancy an applicant has obtained as a result of giving or withholding false information

18.3 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 if a tenant has induced the Council to grant a tenancy by knowingly or recklessly making a false statement. The Council can prosecute and fine up to £5,000 if found guilty.

## **19. Information on the Allocations Scheme**

19.1 The Council will:-

- i. Publish a summary of its Allocations Scheme in a leaflet and provide copies free of charge on request to any member of the public

- ii. Provide copies of the Allocations Scheme free of charge at Housing Services, Council Offices, Saffron Walden
- iii. Enable copies of the Allocations Scheme to be downloaded on the Internet from the Council's web-site: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

19.2 Within a reasonable period of time, the Council will notify applicants on the Housing Register of an alteration to the Allocations Scheme reflecting a major change of policy, explaining in general terms the effect of the change.

## 20. Review of Allocations Scheme

The Allocations Scheme will be reviewed periodically by the Council's Housing Board and any recommended changes agreed by the Council's Cabinet.

## 21. Consultation on Changes to the Allocations Scheme

Before adopting a new Allocations Scheme or making an alteration reflecting a major change of policy in an existing Allocations Scheme, the Council will notify every RP with which it has nomination arrangements of the change, and all local Councils affording them a reasonable opportunity to comment on the proposals.

## Data Protection Act

The information you provide may be put on a computer system registered under the current Data Protection law. It may be checked with other information or data held by the Council. It may be disclosed for the purposes as described on the Register Entry in the Council's Data Protection Register. We may also share data with other agencies for the prevention and detection of crime.

**IF YOU REQUIRE THIS INFORMATION LEAFLET IN AN ALTERNATIVE FORMAT AND OR LANGUAGE PLEASE CONTACT HOUSING SERVICES ON 01799 510510**

Housing Services  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
CB11 4 ER

Telephone: 01799 510510  
Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)  
Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

## Appendix I

**For General Needs Accommodation, the number of bedrooms that working age applicants are eligible to express interest in, will generally be in line with the prevailing Housing Benefit Regulations on size criteria.**

### Size of Accommodation Allocated – working age applicants

Household Size	Number of rooms
1 adult	Bedsit/ 1 bedroom
2 adults living together as a couple	1 bedroom
1 adult (2 adults living together as a couple) expecting baby and the pregnancy is over 24 weeks	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 1 child* - 2 children* of different sexes where neither child is over 10 years of age - 2 children* of the same sex up until the eldest child is 16 years of age	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 2 children* of different sexes where the oldest child is over 10 years of age - 2 children* of the same sex where the eldest child is over 16 years of age - 3 children* - 4 children* regardless of sex up until the eldest child is 16 years of age	3 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 4 children* where 1 child is over 16 years of age - 5 or more children*	4 bedrooms

**\*Parents with ‘staying access’ to dependent children or shared residence orders** - Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the council will not accept responsibility for providing a second home for children. The council will make an assessment based on the individual circumstances.

**Single applicants or couples where one is over 60 years of age will be eligible to express interest in 1 or 2 bedroom designated older persons accommodation.**

## Appendix II

### Local Lettings Plans

A Local Letting Plan is an arrangement for the allocation of properties to meet the specific needs of a locality in response to results of a housing needs survey..

#### Rural Housing – Exception site

When vacancies arise in properties that have been built in rural localities (rural exception sites) and a planning agreement specifies a local connection requirement, this takes precedence over the local connection eligibility in 5.2. This means that households wishing to apply for housing on an exception site who fulfil the local connection requirement set out in a planning agreement, but not the eligibility criteria in 5.2, will be eligible to join the housing register but **only** for this specific development site.

The local connection criteria for rural exception sites will be as follows and in the following order of priority

1. Persons who have been permanently resident in the specified parish for at least two years
2. Persons who are no longer resident in the specified parish but who have been resident for at least three years during the past five years
3. Persons who meet either of the following criteria
  - i. in permanent employment in the specified parish for a minimum of 2 years and working at least 24 hours per week
  - ii. having close relatives (i.e. parents, grandparents, children, brother or sister) living in the specified parish or parishes who have lived there for at least five years
4. If there are no persons meeting the criteria in 1 to 3 then the cascade above will be applied to any neighbouring parishes identified in relevant clauses in the planning agreement
5. In the event that it is still not possible to allocate a property to applicants who meet criteria 1 to 4 above then the property may be allocated to applicants who meet the local connection requirements who will under-occupy the property, providing that the under-occupancy created does not exceed one bedroom
6. In the event that it is still not possible to allocate a property to applicants who meet criteria 1 to 5 above then the property may be allocated to applicants who meet the Uttlesford eligibility criteria set out in Section 5.2.1

7. In the exceptional event that the council is unable to nominate any persons from its Housing Register who comply with 1 to 6 above, the Registered Provider would offer tenancies to Eligible Persons, the definition of which would be consistent with both the council's local connection criteria and the occupancy requirements. The priority when offering tenancies to Eligible Persons would mirror the council's policies on Allocation of Properties.

The council will select nominations which meet the criteria set out in 1 to 6 in the priority order of their local connection and then on the basis of their housing need and then the date that their housing need priority was awarded.

The age criteria (Section 13) may be waived for suitable properties to allow older people to remain in a village.

### **Rural Housing – Non exception site**

Requiring applicants to have a connection with the locality may also be considered by the Council, on a proportion of the affordable housing provision, on any site subject to the terms of a planning obligation where a local need can be demonstrated through a housing needs survey, no more than three years old at the time of the submission of the planning application.. To be eligible for an allocation on these sites applicants must be assessed as having a housing need by being in Bands A – D of the allocation policy.

### **Sustainable Communities**

In exceptional circumstances, the council may decide to let properties on a slightly different basis from normal, in the interests of building a strong and sustainable community or to deal with particular local issues. The decision to apply such criteria will be jointly made by the landlord of the property and the council.

On new developments, the Council and the landlord may consider widening the eligible bands for home types on first lettings, again taking equal opportunities and legal issues into account

## Appendix III

### Right to Move Guidance

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 states that local authorities cannot decide that a person does not qualify for an allocation of accommodation on the grounds that the applicant does not have a local connection with the area if the applicant is a tenant of social housing and who needs to move to take up a job or live closer to employment or training (including apprenticeships).

A local connection requirement must **not** be applied to existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or
- need to move to take up an offer of work

The applicant must demonstrate that they **need**, rather than wish, to move, for work related reasons. In this regard the following factors will be taken into account:

- the distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- the length of the work contract
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

This is not an exhaustive list, other local circumstances may be taken into consideration.

### The following forms of work are excluded from the Right to Move

#### Short-term

In determining whether work is short-term the following factors will be taken into consideration

- whether the work is regular or intermittent
- the period of employment and whether or not work was intended to be short-term or long-term at the outset
- A contract of employment that was intended to last for less than 12 months could be considered to be short-term

## Marginal

In determining whether work is marginal the following factors will be taken into consideration

- the number of hours worked (employment of less than 16 hours a week could be considered to be marginal in nature)
- the level of earnings

However Uttlesford District Council may take into account, for example, if a tenant only works 15 hours a week but they can demonstrate that the work is regular and the remuneration is substantial.

## Ancillary

- If a person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the regulations
- If the tenant is expected to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer
- A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these regulations.

## Voluntary Work

- Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred

## Apprenticeship

- The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service) *[Why are apprenticeships excluded?]*

## **Verification and evidence**

Uttlesford District Council will require proof that the work or job-offer is genuine and will need to see appropriate documentary evidence, which could include:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible)
- a formal offer letter
- additionally, the employer may be contacted to verify the position *[Do we need to write in that applicants may be required to sign an authority to enable the employers to provide information regarding employment?]*

**Uttlesford District Council may consider whether an applicant qualifies both at the time of the initial application and when considering making an allocation.**

A set quota which the Council feels appropriate for the proportion of properties that it expects to allocate each year to transferring tenants who need to move into their district for work related reasons is 1%. However this will be reviewed and revised as appropriate based upon supply and demand through monitoring channels.

**Applicants who meet the criteria for Right to Move will be placed in one and higher than their housing need.**



**Committee:** Cabinet

**Agenda Item**

**Date:** 23 July 2015

**9**

**Title:** **Replacement Essex Waste Local Plan – revised preferred approach**

**Author:** Cllr Susan Barker, Environmental Services  
Portfolio Holder

Item for decision

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## Summary

1. Essex County Council as the waste planning authority is consulting on a revised preferred approach and sustainability appraisal to its replacement waste local plan. The replacement plan will guide the future management of waste in Essex and Southend until 2032.
2. The Planning Policy Working Group considered the four proposed preferred site allocations in Uttlesford at its meeting on 13 July:
  - Safeguarding of the local authority collected waste transfer station site which is under construction at Chelmsford Road Great Dunmow;
  - A facility for recycling of construction, demolition and excavation waste/ inert waste at Gaunts End Elsenham
  - A site for recycling/ landfill of recycling of construction, demolition and excavation waste/ inert waste at Little Bullocks Little Canfield (A22)
  - Another site for landfill of stable non-reactive hazardous waste (i.e asbestos type materials) at Little Bullocks Farm Little Canfield (A23).
3. The Working Group also considered a site at Crumps Farm Little Canfield which the consultation document did not recommend for allocation due to its proximity to other proposal sites; and two sites at Armigers Farm Thaxted and Hollow Road Widdington that the consultation document suggested as not suitable for allocation in highways terms, but stated that the suitability would be reviewed if insufficient sites were available. It also considered the recommendations in the consultation document that Ashdon Road Commercial Centre Saffron Walden and Start Hill Great Hallingbury be defined as areas of search for new waste management facilities.

## Recommendations

4. The council's response to consultation should be as set out in Appendix 2 to this report.

## Financial Implications

5. Further engagement in the waste local plan preparation including consultation on the submission draft plan and its public examination would if necessary be resourced from the planning policy budget provision.

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Consultation documents available at [www.essex.gov.uk/WLP](http://www.essex.gov.uk/WLP) :

Replacement Waste Local Plan – Revised Preferred Approach  
Non-Technical Summary  
Sites Assessment and Methodology  
Areas of Search Assessment and Methodology

## Impact

- 7.

Communication/Consultation	ECC is carrying out consultation
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	A sustainability appraisal is included in the site assessments
Ward-specific impacts	Broad Oak and the Hallingburys, Elsenham and Henham, Great Dunmow South, Newport, Saffron Walden Castle, , Takeley, Thaxted and The Eastons,
Workforce/Workplace	None

## Situation

8. A full explanation of the stage reached in the process of preparing a replacement development plan and its scope is to be found in the attached report to the Planning Policy Working Group. The key elements of its vision are:

- having enough transfer recycling, recovery and disposal capacity to manage the waste generated within the county, with only minor cross border movements where practicable.
  - Support for the waste hierarchy
  - Managing a reducing proportion of London's waste.
9. This vision should, in general, be supported. The principle of self-sufficiency, however, should not extend to hazardous waste if more acceptable sites outside Essex can be identified through Duty to Cooperate processes with other waste planning authorities.
10. The report to the working group also considers each of the sites in Uttlesford and the proposed response.
11. The working group supported the recommended responses in its papers. In addition the following points were made which should be included in the council's response:
- That notwithstanding that site L(n)8R Little Bullocks Farm A23 was the only site proposed for SNRHW, the potential to use other proposed sites should be investigated.
  - Access to the sites at Little Bullocks Farm Little Canfield should be clarified to enable a view to be taken on its suitability. Access via narrow county lanes would not be appropriate. ECC is requested to give this site further consideration and consider sites with good access to the strategic road network.
- 12.

## Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
The most appropriate sites for each waste category are not identified	1 The plan making process is designed to enable the selection of the most suitable sites but this may be constrained	3 The most sustainable sites cannot be allocated	Iterations of the plan making process.

	d by the availability of sites for particular types of materials		
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Committee: Planning Policy Working Group**

**Agenda Item**

**Date: 13 July**

**9**

**Title: Replacement Waste Local Plan Revised Preferred Approach**

**Author Sarah Nicholas, Senior Planning Officer**

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## Summary

1. The Replacement Waste Local Plan – Revised Preferred Approach and Sustainability Appraisal was published by Essex County Council on the 18 June for a six week period of public consultation until 30 July.
2. The plan includes a spatial vision, strategic objectives, spatial strategy, core policies, preferred site allocations, development management policies and monitoring framework which will guide the future management of waste in Essex and Southend up until 2032.
3. The revised preferred Approach identifies 28 preferred site allocations across the County including 4 in Uttlesford. The Plan makes the following recommendations in relation to the sites in Uttlesford.
4. A site at Chelmsford Road Great Dunmow is proposed to be safeguarded/ allocated as Local Authority Collected Waste Transfer facility.
5. A site at Elsenham, Gaunts End is recommended for construction, demolition and excavation/inert waste recycling.
6. A site at Little Bullocks Farm Great Canfield (site A22 east of Little Bullocks Farm) is recommended for construction, demolition and excavation/inert waste landfill and recycling.
7. Another site at Little Bullocks Farm Great Canfield (Site A23 north east of Little Bullocks Farm) is proposed for Stable Non-Reactive Hazardous Waste (SNRHW) (i.e. asbestos type) landfill.
8. There are two sites proposed which are not initially considered suitable. Armigers Farm Thaxted and Hollow Road Widdington are considered not suitable in Highway terms for allocation however the suitability will be reviewed if insufficient sites are available.
9. Ashdon Road Commercial Centre and the employment site at Start Hill Great Hallingbury are recommended as areas for search for new waste management facilities

## Recommendations

10. That the comments set out below are considered by the group and sent to Essex County Council along with any additional comments from the group as the Council's response to the Revised Preferred Approach of the Replacement Waste Local Plan June 2015.

## Financial Implications

11. None:

## Background Papers

The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report or at [www.essex.gov.uk/WLP](http://www.essex.gov.uk/WLP)

Replacement Waste Local Plan – Revised Preferred Approach  
Non-Technical Summary  
Sites Assessment and Methodology Report

## Impact

- 12.

Communication/Consultation	The consultation of the documents is being undertaken by ECC.
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	A sustainability Appraisal accompanies the Local Plan
Ward-specific impacts	Sites are proposed in the following parishes:- Elsenham, Great and Little Canfield, Great Dunmow, Widdington, Thaxted, Saffron Walden and Great Hallingbury
Workforce/Workplace	N/A

## Situation

13. The following text is extracted from the Replacement Waste Local Plan and the District Council's proposed response is shown at the end of the section in italics.
14. The Revised Preferred Approach (RPA) is an interim document, indicating the preferred direction of the policies and site allocations to be included in the Replacement Waste Local Plan. The RPA builds upon the work undertaken in 2011, providing the key principles to guide the future management of waste in Essex and Southend up until 2032. Primarily, this includes the proposed spatial vision, strategic objectives, spatial strategy, core policies, preferred site allocations, development management policies and monitoring framework. This consultation is an additional stage considered necessary by the Authorities due to significant changes in national planning policy and local evidence since 2011. There will be a final opportunity for consultation on the final Plan, prior to the Examination in Public, later in 2015.

### **Vision, Objectives and Spatial Strategy (pages 24, 26, 28)**

15. The proposed vision, strategic objectives and spatial strategy within the Revised Preferred Approach aim to support sustainable waste management in Essex and Southend-on-Sea. The key elements of the vision include:
- Net self-sufficiency for all waste streams, where practicable;
16. This means having sufficient transfer, recycling, recovery and disposal capacity to manage the amount of waste generated within the County, with only minor cross border movements with adjoining authorities.
- Supporting the provisions of the waste hierarchy;



17. Having a Waste Hierarchy means that in making decisions about waste management, greater weight should be attributed to those waste management methods that are towards the top of the Hierarchy. The principle of the Waste Hierarchy is already followed through the adopted Waste Local Plan (2001).
- Managing a reducing proportion of waste arising from London.
18. Reducing the provision made for London's waste exports to Essex and Southend-on-Sea is in line with those forecasts in the adopted London Plan (2015) that the equivalent of 100% of waste arising in London will be managed inside their plan area by 2026.

19. *Proposed response by Uttlesford District Council*  
*The Vision and objectives of the plan are supported.*

**Need for Waste Management Facilities (page 32)**

20. The Revised Preferred Approach sets out the following waste capacity needs:-

- Up to 309,000 tonnes per annum of biological treatment capacity for non-hazardous organic waste; (note this waste is comprised of both organic Local Authority Collected Waste (LACW) and Non LACW)
- Up to 1.27 million tonnes per annum for the recovery (recycling) of inert waste;
- Up to 256,000 cubic metres per annum of capacity for the disposal of inert waste to landfill; and
- Up to 50,000 tonnes per annum of capacity for the disposal of stable non-reactive hazardous waste arising from the closure of the sole hazardous landfill in April 2014.

**Safeguarding Existing Sites and Site Allocations (page 35)**

21. It is proposed that existing sites hosting facilities deemed strategic and which are already making a significant contribution to current waste management in the Plan area are safeguarded to ensure their future use for waste management. Safeguarding provisions associated with strategic facilities will remain in effect until it is demonstrated that there is no longer a need for that facility.

22. All sites that have been identified for a future waste use, as part of this plan making process, will also be safeguarded for that purpose up to the point where the facility for which the site is being safeguarded is delivered. The safeguarding provisions will then be removed, unless the site is considered strategic in which case the safeguarding provision will remain up until it can be demonstrated that there is no longer a need for that facility at that location.

**Waste Consultation Zones (page 37)**

23. Once the RWLP is adopted, District Councils should include Waste Consultation Zones on the Policy Maps in the Local Plans. When new development proposals come forward within these zones, it will trigger consultation between the relevant Local Planning Authority and Waste Planning Authority. The purpose of Waste Consultation Zones is to ensure the compatibility of adjacent new development for the benefit of both the operators of the waste facility and the potential future occupants of any proposed adjacent development.

24. Waste Consultation Zones will normally cover and extend for up to 250 metres beyond the boundary of safeguarded sites. However, each site will be



considered individually, and if circumstances suggest that the 250 metre zone should be varied, this will be taken into account.

*25. Proposed response by Uttlesford District Council*

*The Council supports the requirement to consult the Waste Planning Authority on planning applications but does not consider that identifying the consultation zones on the Local Plan is the most appropriate method as it creates an additional notation resulting in policy maps which are difficult to read because of the number of notations. The consultation zones can instead be included to the constraints maps used to generate planning application consultations.*

**Assessment Method (Site Assessment and Methodology Report Section 1 part 2)**

26. A total of 53 sites across the county which were put forward by landowners and/or operators or other interested parties were tested against various criteria.

**27. Stage 1**

Assessment of all the potential sites against five exclusionary criteria of

- Site size, area and shape
- Availability
- Flood risk
- Ground water vulnerability
- International and national ecology, heritage and landscape designations

**28. Stage 2**

Initial assessment of sites which successfully passed Stage 1 to determine whether the site is in the green belt or not, or if suitable in highway terms and/or complies with transport policy.

Sites that are in the greenbelt or are not suitable in highway terms and/or comply with transport policy are held back but not excluded and would only be considered for allocation if, after the rest of the assessment had been carried out, insufficient sites are suitable for meeting the capacity gap associated with a particular waste stream.

**29. Stage 3:**

Sites which have successfully passed Stages 1 and 2 are assessed against 12 site selection criteria.

- Planning background
- Compatibility with neighbouring land uses
- Previously developed land
- Proximity to sensitive receptors (residential, educational and medical land uses)
- Protection of water resources

- Flood risk zone
- Land instability
- Landscape and visual impacts
- Biodiversity
- Heritage
- Recreation facilities (proximity to)
- Proximity to key centres of growth of Basildon, Chelmsford, Colchester, Harlow and Southend.

### 30. Stage 4

Cross checking and moderation of all site assessments/scores by ECC to ensure consistency between assessors

### 31. Stage 5

Identification of the most suitable sites which could meet the over-arching spatial strategy for the Waste Local Plan

## **Outcome of Assessment of Sites in Uttlesford (Site Assessment and Methodology Report Section 1 part 3 and Section 2 part 2)**

Key to reference numbers

L – Landfill facilities

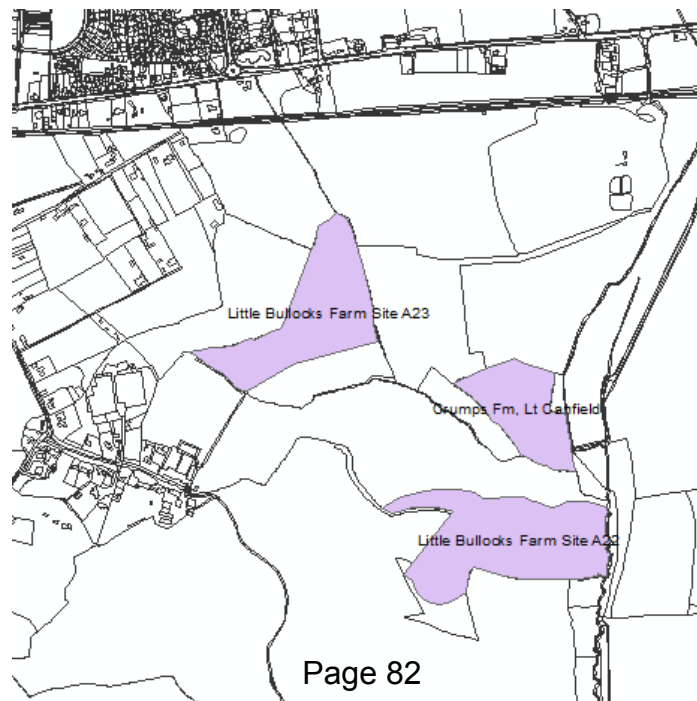
(n) Non-inert landfill site

(i) Inert landfill site

W – Other potential waste management facilities

2 codes are given where sites have been proposed for both landfill use and other waste management facilities and the sites have been assessed twice.

### 32. Little Bullocks Farm Great Canfield and Crumps Farm, Little Canfield



Three sites have been put forward in this location for inert recycling and/or landfill. Although all three sites were initially considered suitable it was not considered that three separate inert waste facilities at each of these three sites would be capable of operating independently of each other and simultaneously from a practical standpoint. For this reason the following recommendations are made  
33. Crumps Farm, Little Canfield (L(n)3 and W32)

Not recommended for any allocation

34. Little Bullocks Farm Great Canfield Site A22 (East of Little Bullocks Farm) (L(n)7R)

This site is allocated in Essex Minerals Local Plan 2014

This site is recommended as suitable for construction, demolition and excavation/inert recycling and landfill.

35. Little Bullocks Farm Great Canfield Site A23 (north east of Little Bullocks Farm) (L(n)8R)

This site is allocated in Essex Minerals Local Plan 2014

Although this site was proposed for inert landfill it is the only landfill site that has been proposed as suitable for taking Stable Non-Reactive Hazardous Waste (SNRHW) (i.e. asbestos type waste) which may be required during the plan period.

The only SNRHW landfill cell within the plan area at Roxwell, Chelmsford closed in April 2014, therefore any of the waste that was previously disposed of here is now being disposed of beyond the plan area.

It has not yet been ascertained through the Duty to Co-operate whether facilities within other Waste Planning Authorities will be available to continue to accept the waste previously accepted at the now closed Essex facility. It may be the case that existing facilities beyond the plan area boundary can continue to accept exports of this type of waste for the duration of the plan period, but this will not be known until further Duty to Co-operate discussions are held between Essex County Council and relevant other waste planning authorities.

This is the only SNRHW landfill cell promoted, during the call for sites processes which could be capable of accepting 30 thousand tonnes per annum. It is therefore recommended that L(n)8R Little Bullocks Farm is allocated as an SNRHW cell as a precautionary approach until it can be ascertained that it is or is not required in the plan area. However, as noted above, there is potential for cumulative impacts if this site is allocated for hazardous landfill and inert recycling, as it is in close proximity to sites L(n)7R (which could be allocated for inert recycling and inert landfill) and W32 (which could be allocated for inert recycling).

*36. Proposed response by Uttlesford District Council*

*It is recognised that the sites at Little Bullocks Farm are included in the Minerals Local Plan as preferred sites, extending the existing minerals site at Crumps Farm. Crumps Farm has not been allocated in the Waste Plan. The*

*Council would wish to be assured that the most efficient use of the preferred and existing minerals sites are being used for waste, to minimise the impact on the surrounding area.*

*37. Essex County Council is asked that duty to co-operate discussions are carried out to find out whether SNRHW can continue to be accepted outside the county. The County Council is asked to carefully consider the cumulative impact of this use in close proximity to the adjoining sites. There is an existing operational minerals site, a site recommended for inert recycling and landfill and another site proposed but not currently recommended for inert recycling. The impact of a SNRHW landfill cell along with the other sites on highway safety and adjoining properties needs to be carefully considered.*

**38. Elsenham (Gaunts End) (W8)**



This site was promoted for but NOT recommended as being suitable for biological treatment. It was also proposed for inert waste recycling which has a greater capacity gap. Therefore the site is recommended as suitable for construction, demolition and excavation/inert waste recycling (CD&E)

**39. Proposed response by Uttlesford District Council**

*Concerns are raised on the allocation of the site at Elsenham. The site is located in an area designated as Historic Park and Garden in the Adopted Local Plan. Although not identified in Historic England's register of Historic Parks and Gardens the Council consider the parkland of Elsenham Hall important and have identified it as a Historic Park and Garden to which Policy ENV9 applies, which protects such site from harmful development unless the need for the development outweighs the historic significance of the site. The site also abuts an area identified as important woodland in the adopted Local Plan to which policy ENV8 applies, which protects the woodland from development which may adversely affect it. The site is in close proximity to Elsenham Hall and the church. There is an existing minerals extraction site to the north of the proposed recycling site, the access to which runs through the site. What is the reason for identifying a greenfield site for recycling rather than using the existing minerals site?*

40. Great Dunmow (land NW or junction of A120 with Chelmsford Road) (W9)



This site is being recommended as being suitable for allocation/safeguarding for Local Authority Collected Waste Transfer facilities.

Preferred Approach Policy 3 on Strategic Site Allocations: Local Authority Collected Waste presumes that by allocating the site it allows for future potential intensification/expansion of waste uses on the site.

41. *Proposed response by Uttlesford District Council*

*The provision and safeguarding of the site of a waste transfer facility at Great Dunmow is supported in accordance with the planning permission and adopted Local Plan. However, the council is concerned that the policy allocates the site and therefore allows for the intensification / expansion of the waste use beyond perhaps the scale of development permitted. The council will want to be assured that there is evidence that the use of the site needs to be intensified/expanded and that it can be done so without detriment to the surrounding area.*

42. Widdington - Hollow Road (W24)



The site contains an existing temporary waste facility. Once the permission for temporary use has expired the site will be returned to greenfield land. Therefore the site is considered greenfield land.

Furthermore, the site is held back from further consideration as it is not suitable in Highway Terms and/or does not comply with Transport Policy. The suitability of the site will be reviewed if insufficient sites available.

43. Armigers Farm, Thaxted (W35 and L(i)8R)



The site is located adjacent to an old sand and gravel pit that has naturally regenerated into a waterbody with established vegetation. The rest of the site is considered to be greenfield land. This site was excluded from further consideration for landfill as the site is not allocated in the Minerals Local Plan, and therefore there is no available void suitable for landfill.

The site was also held back from further consideration as a recycling site as it is not suitable in Highway Terms and/or does not comply with Transport Policy. However, suitability will be reviewed if insufficient sites available.

*44. Proposed response by Uttlesford District Council*

*The holding back of Hollow Road Widdington and Armigers Farm, Thaxted is supported. Hollow Road and the B1051 are not of sufficient standard to accommodate the necessary vehicle movements. It is not considered that this constraint can be mitigated and therefore the sites should still be considered as unsuitable if additional sites are required.*

## **Areas of Search (Areas of Search Assessment and Methodology page 21 onwards)**

45. To afford the Plan more flexibility than a reliance on allocated sites only, both Areas of Search and locational criteria are intended to be included, to allow a wider range of suitable sites to be brought forward for waste management. It is recognised that both Areas of Search and the locational criteria offer less certainty than direct site allocations in terms of where waste sites may come forward in future. However, it is important that the Plan is able to respond flexibly to any potential change in demand from the waste industry.

46. The plan assesses the suitability of existing employment land to provide locations for waste management facilities using high level environmental, social and planning criteria. The overall outcome is to identify existing employment land areas which could be included in the Replacement Waste Local Plan as preferred 'Areas of Search' for new waste management facilities. The methodology follows the following 4 stages.

### **47. Stage 1:**

Identification of employment land areas over 0.65ha

Within Uttlesford 16 employment land areas were identified.

### **48. Stage 2**

Desktop assessment of employment land areas

Taking into account that it would only be appropriate to locate enclosed waste management on land greater than 100m away from sensitive receptors; and enclosed thermal waste management facilities and open air waste management facilities on land which is greater than 250m away from sensitive receptors; 3 sites in Uttlesford are shortlisted.

1. Ashdon Road Commercial Centre, Saffron Walden
2. Stansted Airport (industrial estate associated with the airport)
3. Start Hill Great Hallingbury

### **49. Stage 3**

Site visits and policy review

### **50. Stage 4**

Further assessment and identification of Areas of Search

Only 2 sites are shortlisted in Uttlesford



1. Ashdon Road Commercial Centre, Saffron Walden

The methodology notes that having regard to planning permission for mixed use development to the south of the area, it is likely that any future waste management facilities would have to be situated towards the centre to northern portions of the area.

2. Start Hill Great Hallingbury

The area meets the criteria for selection as an area of search, however due to the proximity of sensitive receptors to the north, west and east waste management facilities would need to be located on the land in the centre of the area.

51. Proposed response by Uttlesford District Council

*Essex County Council are asked to reconsider the inclusion of Ashdon Road Commercial Centre as an area of Search. The appraisal has not taken account of the planning permission for the site itself for a mixed use (UTT/13/2423/OP) for B1, B2 and B8 class uses, A1, A3, A4 class uses, and hotel and up to 167 dwellings. Detailed Permission has also been granted for a replacement Ridgeons Store for which the Master Plan for the whole site indicates that any waste management facility will be within 100m of a sensitive receptor.*

*Inclusion of Start Hill, Great Hallingbury employment site as an area of search should also be reappraised taking into account the planning permission UTT/14/0138/FUL for 6 no. employment units within 3 no. buildings for B1, B2 and B8 which are currently under construction, and therefore the ability of the existing buildings and those under construction to be used for waste recycling.*

**Risk Analysis**

1.

Risk	Likelihood	Impact	Mitigating actions
That the Councils views are not taken into account	1. The county council will take into account all duly made	3. That the Waste Local Plan includes policies which have not	Ensure that comments are presented in line with the requirements set down in the



	representations	taken the District council's views into account	consultation material.
--	-----------------	---	------------------------

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



## **Replacement Essex Waste Local Plan – revised preferred approach**

### **Appendix 2: Uttlesford Council's response to the consultation**

#### Question 1 – Vision - page 26

Uttlesford Council support's the Proposed Vision

#### Question 2 – Strategic Objectives - page 28

Uttlesford Council in general supports the Proposed Objectives. The principle of self-sufficiency, however, should not extend to hazardous waste if more acceptable sites outside Essex can be identified through Duty to Cooperate processes with other waste planning authorities.

#### Question 5 – Safeguarding and Waste consultation zones – page 40

Uttlesford Council supports the requirement to consult the Waste Planning Authority on planning applications but does not consider that identifying the consultation zones on the Local Plan is the most appropriate method as it creates an additional notation resulting in policy maps which are difficult to read because of the number of notations. The consultation zones can instead be included on constraints maps used to generate planning application consultations.

#### Crumps Farm, Little Canfield (L(n)3 and W32)

It is recognised that the sites at Little Bullocks Farm are included in the Minerals Local Plan as preferred sites, extending the existing minerals site at Crumps Farm. Crumps Farm has not been allocated in the Waste Plan. The Council would wish to be assured that the most efficient use of the preferred and existing minerals sites are being used for waste, to minimise the impact on the surrounding area.

#### Little Bullocks Farm Great Canfield Site A22 (East of Little Bullocks Farm) (L(n)7R)

It is recognised that the sites at Little Bullocks Farm are included in the Minerals Local Plan as preferred sites, extending the existing minerals site at Crumps Farm. Crumps Farm has not been allocated in the Waste Plan. The Council would wish to be assured that the most efficient use of the preferred and existing minerals sites are being used for waste, to minimise the impact on the surrounding area. The Council is concerned as to how the site will be accessed. Access is likely to be along county lanes and use bridges over the Fritch Way County Park which have a weight restriction. . Essex County Council is requested to give further consideration and consider sites with good access to the strategic road network.

#### Little Bullocks Farm Great Canfield Site A23 (north east of Little Bullocks Farm) (L(n)8R)

Essex County Council is asked that duty to co-operate discussions are carried out to find out whether SNRHW can continue to be accepted outside the county. The County Council is asked to carefully consider the cumulative impact of this use in close proximity to the adjoining sites. There is an existing operational minerals site, a site recommended for inert recycling and landfill and another site proposed but not currently recommended for inert recycling. The impact of a SNRHW landfill cell along with the other sites on highway safety and adjoining properties needs to be carefully considered. The Council is concerned as to how the site will be accessed. Access is likely to be along county lanes and use bridges over the Fritch Way County Park which have a weight restriction. Essex County Council is requested to give further consideration and consider sites with good access to the

strategic road network. Notwithstanding that the site was the only site proposed for SNRHW, the County Council is asked to investigate whether there are any other proposed sites in Essex suitable in accepting SNRHW.

#### Elsenham (Gaunts End) (W8)

Concerns are raised on the allocation of the site at Elsenham. The site is located in an area designated as Historic Park and Garden in the Adopted Local Plan. Although not identified in Historic England's register of Historic Parks and Gardens the Council consider the parkland of Elsenham Hall important and have identified it as a Historic Park and Garden to which Policy ENV9 applies, which protects such site from harmful development unless the need for the development outweighs the historic significance of the site. The site also abuts an area identified as important woodland in the adopted Local Plan to which policy ENV8 applies, which protects the woodland from development which may adversely affect it. The site is in close proximity to Elsenham Hall and the church. There is an existing minerals extraction site to the north of the proposed recycling site, the access to which runs through the site. What is the reason for identifying a greenfield site for recycling rather than using the existing minerals site? The Council is concerned that the route to the site is via Takeley and Parsonage road which is already subject to a high volume of Lorries.

#### Great Dunmow (land NW of junction of A120 with Chelmsford Road) (W9)

and

#### Question 6 – Strategic Site Allocations: Local Authority Collected Waste – page 43

The provision and safeguarding of the site of a waste transfer facility at Great Dunmow is supported in accordance with the planning permission and adopted Local Plan. However, the council is concerned that the policy allocates the site and therefore allows for the intensification / expansion of the waste use beyond perhaps the scale of development permitted. The council will want to be assured that there is evidence that the use of the site needs to be intensified/expanded and that it can be done so without detriment to the surrounding area.

#### Widdington - Hollow Road (W24)

The holding back of Hollow Road Widdington and Armigers Farm, Thaxted is supported. Hollow Road and the B1051 are not of sufficient standard to accommodate the necessary vehicle movements. It is not considered that this constraint can be mitigated and therefore the sites should still be considered as unsuitable if additional sites are required.

#### Armigers Farm, Thaxted (W35 and L(i)8R)

The holding back of Hollow Road Widdington and Armigers Farm, Thaxted is supported. Hollow Road and the B1051 are not of sufficient standard to accommodate the necessary vehicle movements. It is not considered that this constraint can be mitigated and therefore the sites should still be considered as unsuitable if additional sites are required.

#### Area of Search - Ashdon Road Commercial Centre, Saffron Walden

Essex County Council is asked to reconsider the inclusion of Ashdon Road Commercial Centre as an area of Search. The appraisal has not taken account of the planning permission for the site itself for a mixed use (UTT/13/2423/OP) for B1, B2 and B8 class uses, A1, A3, A4 class uses, and hotel and up to 167 dwellings. Detailed Permission has also been granted for a replacement Ridgeons Store for

which the Master Plan for the whole site indicates that any waste management facility will be within 100m of a sensitive receptor.

Area of Search - Start Hill Great Hallingbury

Inclusion of Start Hill, Great Hallingbury employment site as an area of search should also be reappraised taking into account the planning permission UTT/14/0138/FUL for 6 no. employment units within 3 no. buildings for B1, B2 and B8 which are currently under construction, and therefore the ability of the existing buildings and those under construction to be used for waste recycling.



**Committee: Cabinet**

**Agenda Item**

**Date: 23 July 2015**

**10**

**Title: Buildings at Risk**

**Portfolio Holder: Councillor S Barker  
Deputy Leader and Cabinet Member for  
Environmental Services**

**Key decision: No**

## **Summary**

1. This report updates Cabinet on the Listed Buildings at risk within the district and the work being carried out by officers.

## **Recommendations**

- A. That the report is published and the proactive work to work with owners to restore buildings and bring them back to use is endorsed.

## **Financial Implications**

2. None – If any action is taken which could have a financial impact which requires Cabinet approval this will be sought prior to any action taking place.

## **Background Papers**

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## **Impact**

- 4.

Communication/Consultation	The document will be placed on the website.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Listed Buildings at Risk

Ward-specific impacts	District wide
Workforce/Workplace	Planning and Housing Policy Team

**Situation**

5. This report and the attached document provides an update on the current state of Listed Buildings and other structures within Uttlesford. Historic England (was English Heritage) publishes a national register of buildings or heritage assets at risk. The Historic England register only includes those buildings registered as Grade I or II\*. Uttlesford District Council publishes its own register, jointly with the County Council, of those buildings at risk within Uttlesford which are Grade II.
6. These two documents have been combined for the first time and are published as one document. Officers have visited the sites recently and identified a number of buildings which following previous Council encouragement have been repaired and can now be removed from the register.
7. The proactive work on Conservation Area Appraisals has now come to an end and the attention of the team will now turn towards proactive work to encourage owners to restore their buildings and bring them back into an acceptable use.

**Risk Analysis**

8.

Risk	Likelihood	Impact	Mitigating actions
Failure to see Listed Buildings repaired which leads to the loss of important historic fabric and/or the building.	2 – work is costly and can take time to carry out.	2- Loss of heritage assets within the district	Joint working between Historic England and UDC Conservation Officers to encourage owners to invest in their buildings and bring their repair up to an acceptable standard.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.



# Listed Buildings at Risk Register

A report on the Listed Buildings under  
threat in the Uttlesford District

**Uttlesford District Council**





# Listed Buildings at Risk Register

Listed buildings are of historic and architectural importance and part of the nation’s unique heritage. As part of its policy to protect and enhance the heritage assets of the District, the Council maintains a Register of Listed Buildings at Risk. The Buildings at Risk Register contains details of buildings known to be ‘at risk’ through neglect and decay, or vulnerable to becoming so. The register indicates the address of the property in question and the condition of the building and is available for public inspection.

Repair and maintenance of such buildings is the responsibility of the individual owners. However, under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has powers available to enter buildings at risk, make certain essential repairs and recover the expenditure through the courts if necessary. The objective of the Register is to highlight the plight of these buildings and initiate action towards securing their long-term conservation.

Buildings at Risk are assessed by using a check list of criteria produced by Heritage England determined by the condition of a building and whether it is occupied. The condition of the elements of each building such as roof, walls, base, windows, doorways and rain water goods are considered using the guidelines below. The register is updated on a regular basis.

## Summary of Condition Grades

<b>Very Bad</b>	Structural failure or clear signs of instability Loss of significant areas of roof covering leading to major deterioration of the interior A major fire or other disaster affecting most of the building
<b>Poor</b>	Deteriorating masonry and/or a leaking roof and/or defective rainwater goods Rot outbreaks General deterioration of most of the building’s elements
<b>Fair</b>	Structurally sound Minor repairs needed Signs of a lack of general maintenance
<b>Good</b>	Structurally sound Weather tight No significant repairs needed

## Priority Category

The classification of a building takes account of not only the 'static' attributes of condition and occupancy, but also the 'dynamic' one of the rate of deterioration. For example, a building in fair condition whose roof is beginning to fail is a greater priority for action, than one whose roof fell in many years ago and is now subject to slow erosion of its masonry. Priority for action is graded as follows:

- A Immediate risk of further rapid deterioration or loss of fabric; no solution agreed
- B Immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented
- C Slow decay; no solution agreed
- D Slow decay; solution agreed but not yet implemented
- E Under repair or in fair to good repair, but no user identified or under threat of vacancy with no obvious new user (applicable only to buildings capable of beneficial use; often specialised buildings which have become functionally redundant)
- F Repair scheme in progress and (where applicable) end use or user identified; functionally redundant buildings with new use agreed but not yet implemented.

## Summary of Listed Buildings at Risk

Currently there are 19 listed buildings at risk in Uttlesford. Below is a summary table of buildings 'At Risk' included on the Register. This is followed by a detailed report on each individual building.

Parish	Building	Designation	Priority
Chickney	Barn at Chickney Hall, Chickney	Grade II	C
Chrishall	Barn at Red Cow Inn, High Street, Chrishall	Grade II	A
Elmdon	Pigots, High Stret, Elmdon	Grade II*	C
Elsenham	Barn approximately 90 metres North West of Home Farmhouse, Gaunts End, Elsenham	Grade II	A
Great Dunmow	31 The Downs, Great Dunmow	Grade II	D
Great Dunmow	Gatehouse to Easton Lodge, Stortford Rd, Gt. Dunmow	Grade II	A
Great Dunmow	Bigods, Bigods Lane, Gt. Dunmow	Grade II	A
Great Hallingbury	Stable and Lodge to South of Thremhall Priory, Takeley	Grade II	N/A
Great Sampford	Goddards Farmhouse, Tindon End, Great Sampford	Grade II	A
Hatfield Heath	Sheering Hall, Outbuilding, Sheering	Grade II	N/A
Manuden	Ice House, Manuden House, Manuden	Grade II	N/A
Saffron Walden	31 Castle Street, Saffron Walden	Grade II	D
Saffron Walden	12, Market Hill, Saffron Walden	Grade II*	A
Stansted Mountfitchet	The Old Forge, 35 Cambridge Rd, Stansted Mountfitchet	Grade II	N/A
Stansted Mountfitchet	Three Colts Inn, 86, Cambridge Road, Stansted Mountfitchet	Grade II	A
Takeley	Yew Tree Cottage, School Lane, Molehill Green, Takeley	Grade II	N/A
Tilty	Tilty Mill, Tilty	Grade II*	A
Wenden Lofts	Church of St Dunstan, Wenden Lofts	Grade II	A
Wendens Ambo	Westbury Barn, Royston Rd, Wendens Ambo	Grade II	C

# Barn at Chickney Hall, Chickney

## Description

Barn. Mid C14, aisled. Timber framed and weatherboarded, with red plain tile hipped roof. 5 bays long with C17 half hipped midstrey. Arch braced tie beams, jowled arcade posts, and splayed and bridled arcade plate scarfs. Passing braces, and reversed assembly at eaves. Jowled aisle ties. Original Crown post roof rebuilt as side purlin in early C17.

## Risk

Roof has now been 'mothballed' with new timbers inserted and corrugated sheeting to rear.

## Suggested immediate actions

- Sections of missing weatherboarding to be replaced like-for-like
- Loose tiles to be reinstated or replaced like-for-like
- Windows to be boarded
- Tree stump in rear elevation to be removed and missing weatherboarding to be made good like-for-like



## Summary

• • •

**Parish** Chickney

**Designation** Grade II

**List Entry ID** 1112194

**Priority** C

**Condition** Poor

**Date Registered** 1991

**Ownership** Private

**For sale** No

**Last site visit**

29/4/2015

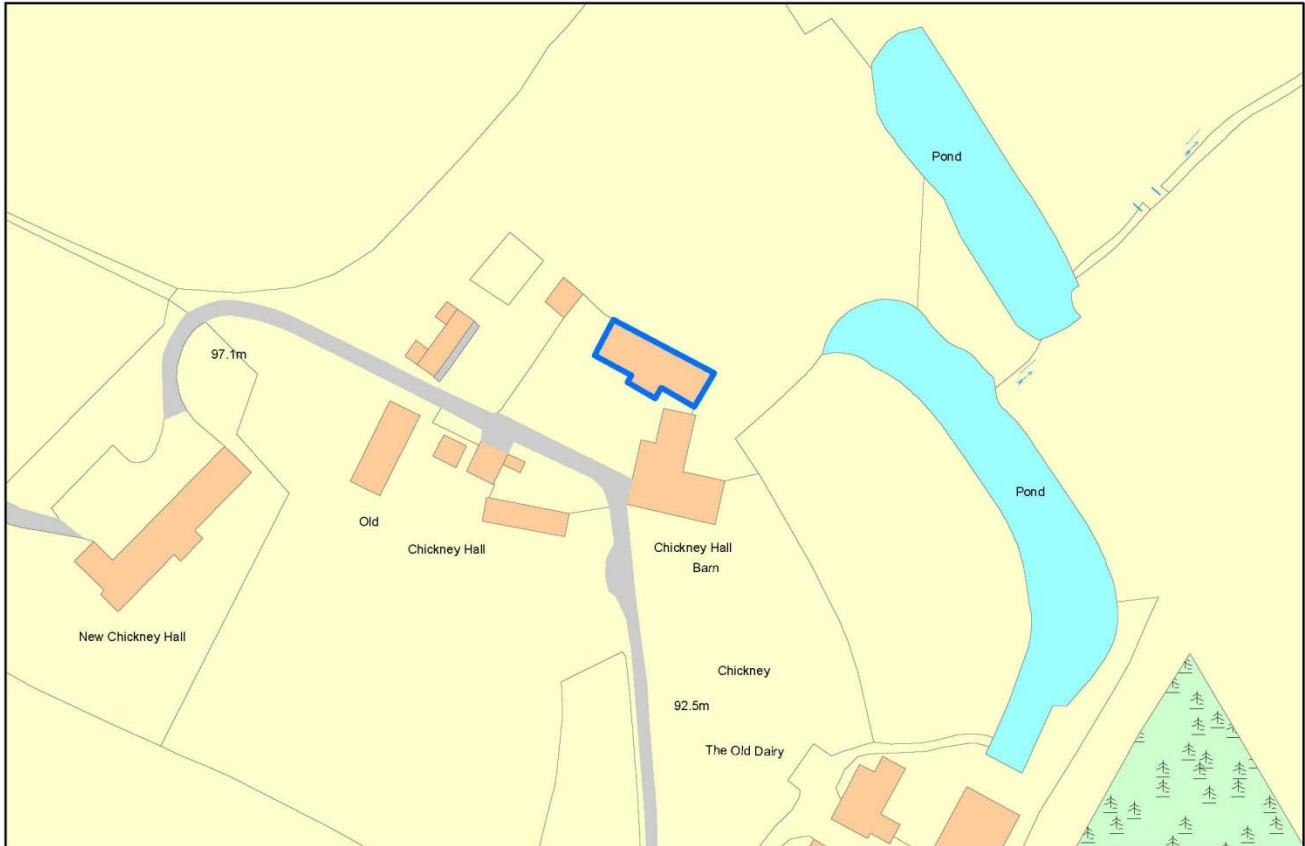
**National Grid**

**reference** TL 57649

27979

**Contact** 01799 510510

## Map



LB at Risk  
Barn at Chickney Old Hall, Chickney



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2014 Ordnance Survey 0100018688

# Barn at Red Cow Inn, 11 High Street, Chrishall

## Description

A 3-bay timber-framed and weather-boarded barn standing at right angles to the Red Cow Inn. Roof thatched

## Risk

Roof has partially collapsed.

## Suggested immediate actions

- Roof to be covered
- Vulnerable areas of structure to be propped and supported



## Summary

• • •

**Parish** Chrishall

**Conservation Area**

**Designation** Grade II

**List Entry ID** 1322472

**Priority** A

**Condition** Very Bad

**Date Registered** 2015

**Ownership** Private

**For sale** No

**Last site visit**

12/6/2015

**National Grid**

reference TL44589

39302

**Contact** 01799 510510

## Map



LB at Risk  
Barn at Red Cow Inn, Chirshall

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# Pigots, High Street, Elmdon

## Description

Early C16 moated manor house with cross wings on the north and south ends. Two storeys. The upper storeys of the cross wings are jettied on exposed joists, with the timber-framing exposed. Three window range of casements with lattice leaded lights. On the east side there is a mid C17 addition and a large external chimney stack with 3 shafts set diagonally and a panel with the initials T.M. and date 1665. Roof tiled, with a central chimney stack with shafts set diagonally (rebuilt).

## Risk

Property is vacant.

## Suggested immediate actions

- Openings to be secured
- Vegetation close to building to be removed



## Summary

• • •

**Parish** Elmdon

**Designation** Grade II\*

**List Entry ID** 1322504

**Priority** C

**Condition** Good

**Date Registered** 2015

**Ownership** Private

**For sale** No

**Last site visit**

14/5/2015

**National Grid**

**reference** TL46337

39193

**Contact** 01799 510510

## Map



LB at RISK  
Pigots, High Street, Elmdon



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2015 Ordnance Survey 0100018688

# Barn North West of Home Farmhouse, Gaunts End, Elsenham

## Description

Large C17 timber-framed and weather-boarded barn with a tiled roof (there is some corrugated iron at the rear). The barn is built on an L shaped plan with a wing extending to the south at the west end and there is a gabled entrance bay on the south side.

## Risk

C17 timber framed barn. Barn no longer watertight, tiles removed from entire roof leaving felt, battens and rafters exposed.

## Suggested immediate actions

- Roof and sections of missing weatherboarding to be covered

## Summary

•••

**Parish** Elsenham

**Designation** Grade II

**List Entry ID** 1112331

**Priority** A

**Condition** Very Bad

**Date Registered** 1991

**Ownership** Private

**For sale** No

**Last site visit**

29/4/2015

**National Grid**

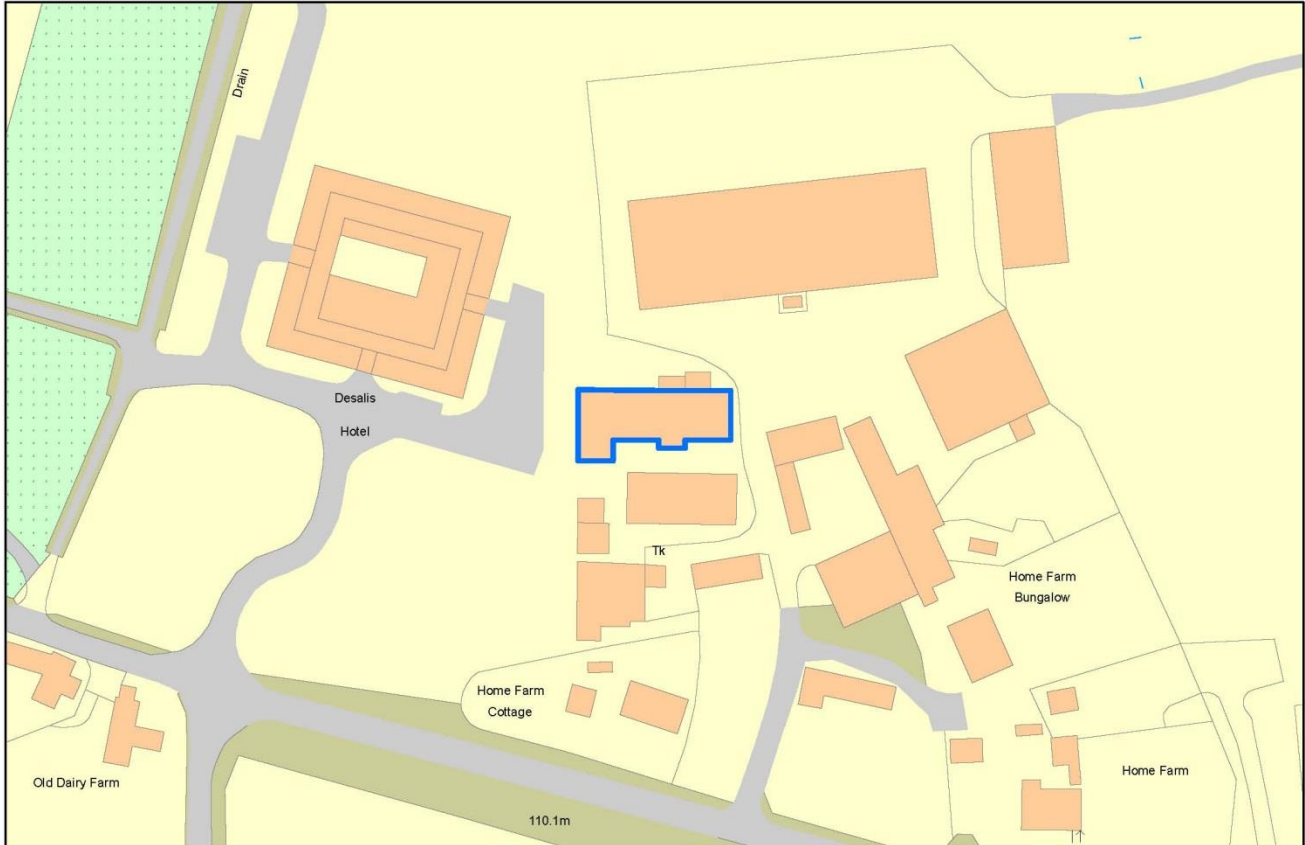
reference TL 55104

25559

**Contact** 01799 510510



## Map



LB at Risk  
Barn NW of Home Farmhouse, Gaunts End, Eisenham



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2014 Ordnance Survey 0100018688

# 31 The Downs, Great Dunmow

## Description Summary

One of a pair of semi-detached cottages, early C19, timber framed and plastered with slate gabled roof. 2 storeys with party wall, ridge line stack. First floor has 2 double hung sashes with small panes and one C20 sash window. Ground floor overhang at W end supported on octagonal timber post and 2 doorcases with flat hoods on scroll brackets. Early C19 sash windows.

## Risk

Left-hand side overhang is showing signs of movement. Property is vacant.

## Suggested immediate actions

- Roof to be covered
- Vulnerable areas of structure to be propped and supported

## Summary

• • •

**Parish** Dunmow

**Designation** Grade II

**List Entry ID** 1098276

**Priority** D

**Condition** Poor

**Date Registered** 2015

**Ownership** Private

**For sale** No

**Last site visit**

24/6/2015

**National Grid**

**reference** TL 62644

22330

**Contact** 01799 510510



# Map



LB at RISK  
31 The Downs, Great Dunmow



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2015 Ordnance Survey 0100018688

# Gatehouse to Easton Lodge, Stortford Rd, Gt. Dunmow

## Description

Gatehouse. C17, partly remodelled in C18. Red brick with central carriageway and flanking lodges. Carriageway has 4 centred arch, with 2 central arches to windows. Giant pilasters in brick. Central pediment with flat parapet above. Parapet at lower level above lodges, with projecting cornices below. Hood moulds. Y-traceried glazing bars. Arched doorways to lodges.

## Risk

Missing most of roof covering and requiring removal of Ivy from brickwork. Planning Permission for one residential unit approved in 1992 but not yet implemented. Existing openings boarded up and temporary arch support installed.

## Suggested immediate actions

- Vegetation to be removed
- Secure vulnerable areas of brickwork



[Map](#)

## Summary

•••

**Parish** Great Dunmow

**Designation** Grade II

**List Entry ID** 1054701

**Priority** A

**Condition** Very bad

**Date Registered** 1986

**Ownership** Company

**For sale** No

**Last site visit**

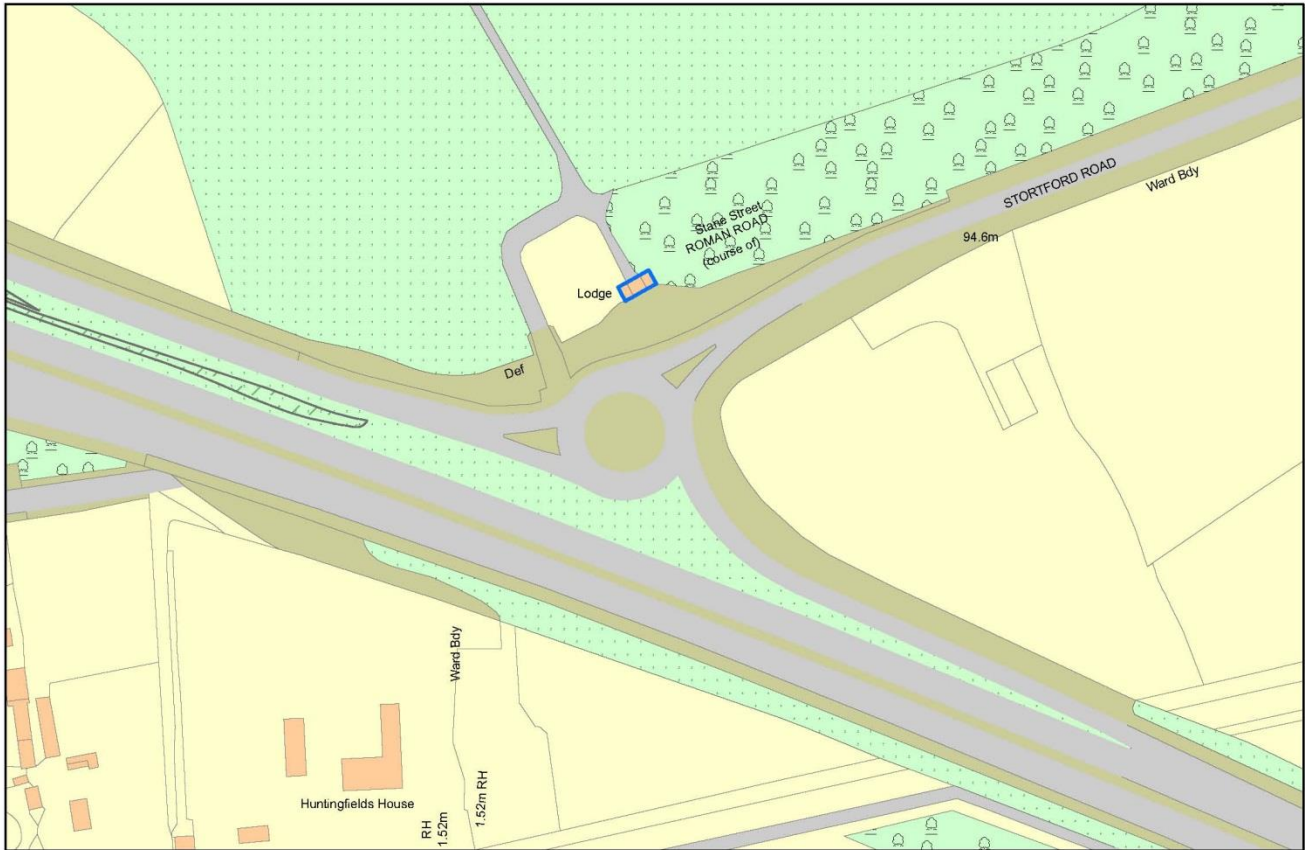
29/4/2015

**National Grid**

**reference** TL 60561

21563

**Contact** 01799 510510



LB at Risk  
Gatehouse to Easton Lodge, Gt Dunmow



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# Bigods, Bigods Lane, Gt. Dunmow CM6 3BE

## Description

House. Mid C16, extensively altered and re-fronted in yellow stock brick with red plain tile and grey slate roofs. 2 and 3 storeys. 2, 5, 1, window range C19 casements with vertical sliding sashes, with gauged brick arches. Doric porch with frieze and metopes. L shaped wing to rear. Mid C16 red brick chimney stacks with 3 octagonal shafts. C19 detailing internally.

## Risk

Part of the rear wing dilapidated. Planning Permission for restoration and extension approved but not implemented.

## Suggested immediate actions

- Roof and elevations to be covered
- Openings to be secured
- Loose slates to be reinstated or replaced like-for-like



## Summary

•••

**Parish** Great Dunmow

**Designation** Grade II

**List Entry ID** 1098282

**Priority** A

**Condition** Very Bad

**Date Registered** 1999

**Ownership** Unknown

**For sale** No

**Last site visit**

29/4/2015

**National Grid**

**reference** TL 62784

24601

**Contact** 01799 510510

## Map



LB at Risk  
Bigods, Bigods Lane Gt Dunmow



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2014 Ordnance Survey 0100018688

# Stable and Lodge to South of Thremhall Priory, Takeley

## Description

C18-C19 red brick building built on an L-shaped plan with the stables extending to the north and the lodge extending to the west. The lodge wing is now faced in cement. One storey and attics. The stable front has 2 stable doors and a tiled hipped roof with 2 hipped dormers. Neglected for many years, but now converted to office use.

Suggested immediate actions: N/A

Repaired. To be removed from list



## Summary

•••

**Parish** Great Hallingbury

**Designation** Grade II

**List Entry ID** 1275076

**Priority** N/A

**Condition** Good

**Date Registered** 2004

**Ownership** Private

**For sale** No

**Last site visit** 3/7/2015

**National Grid reference** TL 53083 21371

**Contact** 01799 510510

# Map



LB at Risk  
Stabke/Lodges of Thremhall Priory, Takeley



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2014 Ordnance Survey 0100018688

# Goddards Farmhouse, Tindon End, Great Sampford

## Description

Early C17 timber-framed and plastered house built on an L shaped plan, with the remains of a moat. Two storeys. Casement windows. Roof tiled, with an original central chimney stack with grouped shafts set diagonally on a square base.

## Risk

Bulging plaster on walls, sagging rafters and attached outbuilding near to collapse.

## Suggested immediate actions

- Vegetation to be removed
- Vulnerable areas of structure to be propped and supported
- Vulnerable sections of roof to be covered and areas of missing plaster to elevations
- Openings to be secured



## Summary

•••

**Parish** Great Sampford

**Designation** Grade II

**List Entry ID** 1122146

**Priority** A

**Condition** Very Bad

**Date Registered** 2004

**Ownership** Private

**For sale** No

**Last site visit**  
29/4/2015

**National Grid**  
**reference** TL 63099  
35321

**Contact** 01799 510510

## Map



LB at Risk  
Goddards Farmhouse, Tindon End, Gt Sampford



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2014 Ordnance Survey 0100018688

# Ice House, Manuden House, Manuden

## Description

Early to mid C19. Red brick walls of both Flemish and English bond with plain clay tiles to the roof. An unusual structure with circular chamber above and below ground, conical roof and entrance porch. Plain unfenestrated walls to the chamber with a timber frame roof and timber finial. Pitched and gabled entrance porch has a flat gauged brick arch and entrance door with a half round relieving arch over. Unused and neglected for many years.

Suggested immediate actions: N/A

Repaired. To be removed from list.



## Summary

• • •

**Parish** Manuden

**Designation** Grade II

**List Entry ID** 1245368

**Priority** N/A

**Condition** Good

**Date Registered** 1999

**Ownership** Private

**For sale** No

**Last site visit**

29/4/2015

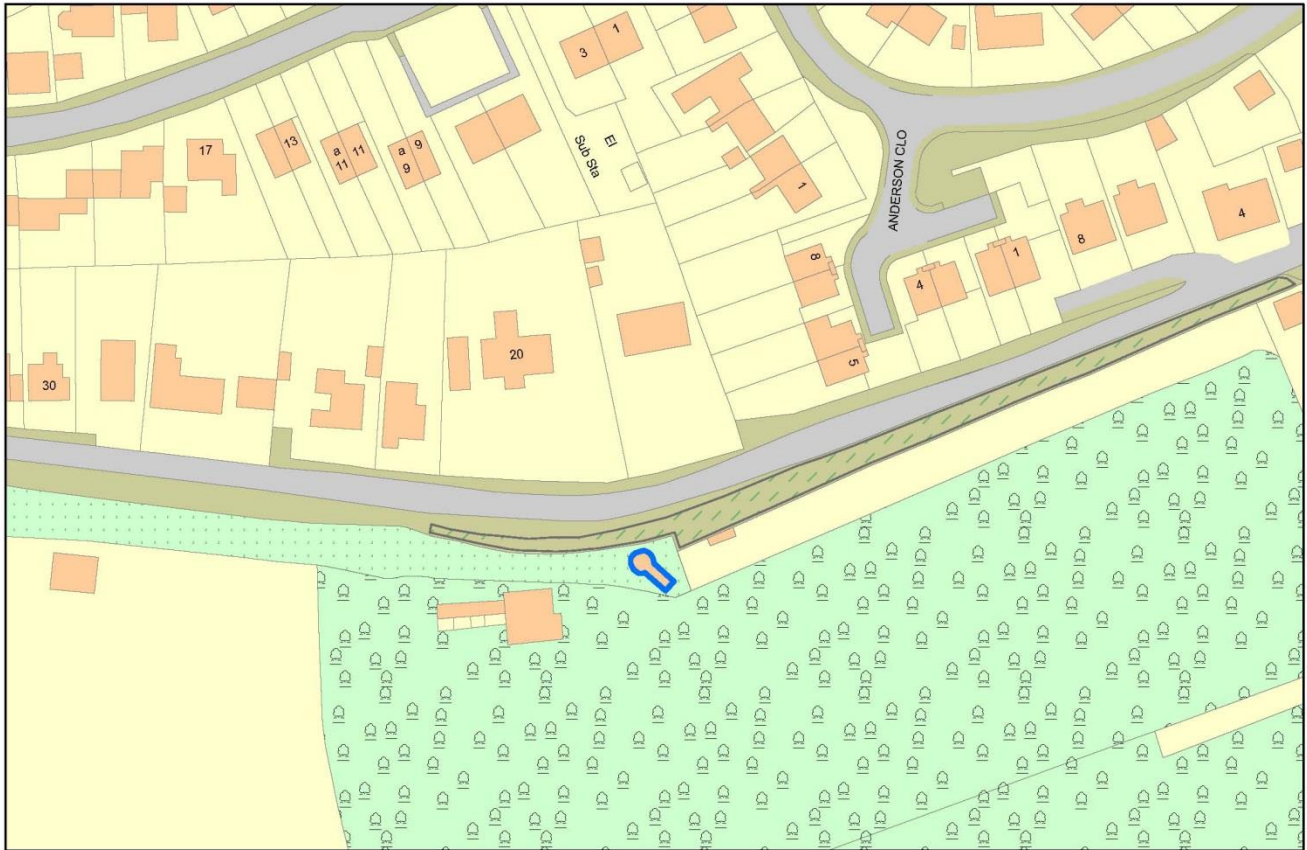
**National Grid**

**reference** TL 48700

26780

**Contact** 01799 510510

## Map



LB at Risk  
Ice House, Manuden House, Manuden



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# 31 Castle Street, Saffron Walden

## Description Summary

Range of 3 houses as one unit. C18 with C19 and C20 refurbishment and additions. Timber-framed and plastered with ashlar lining, brick plinth, slate roof and red brick stacks. U shaped plan of street range with E and W rear wings to N. 2 storeys. Front S elevation: irregular 3 window 3 door range, hipped roof with 2 stacks, one at W end and one towards E end (between Nos 31 & 33).

## Risk

Missing render to rear elevation with timber frame exposed. Lintel missing above rear, ground floor window and doorframe missing to rear door.

## Suggested immediate actions

- Localised repairs to render using like-for-like materials



## Summary

• • •

**Parish** Saffron Walden

**Designation** Grade II

**List Entry ID** 1196138

**Priority** D

**Condition** Fair

**Date Registered** 2015

**Ownership** Private

**For sale** No

**Last site visit**

27/01/2015

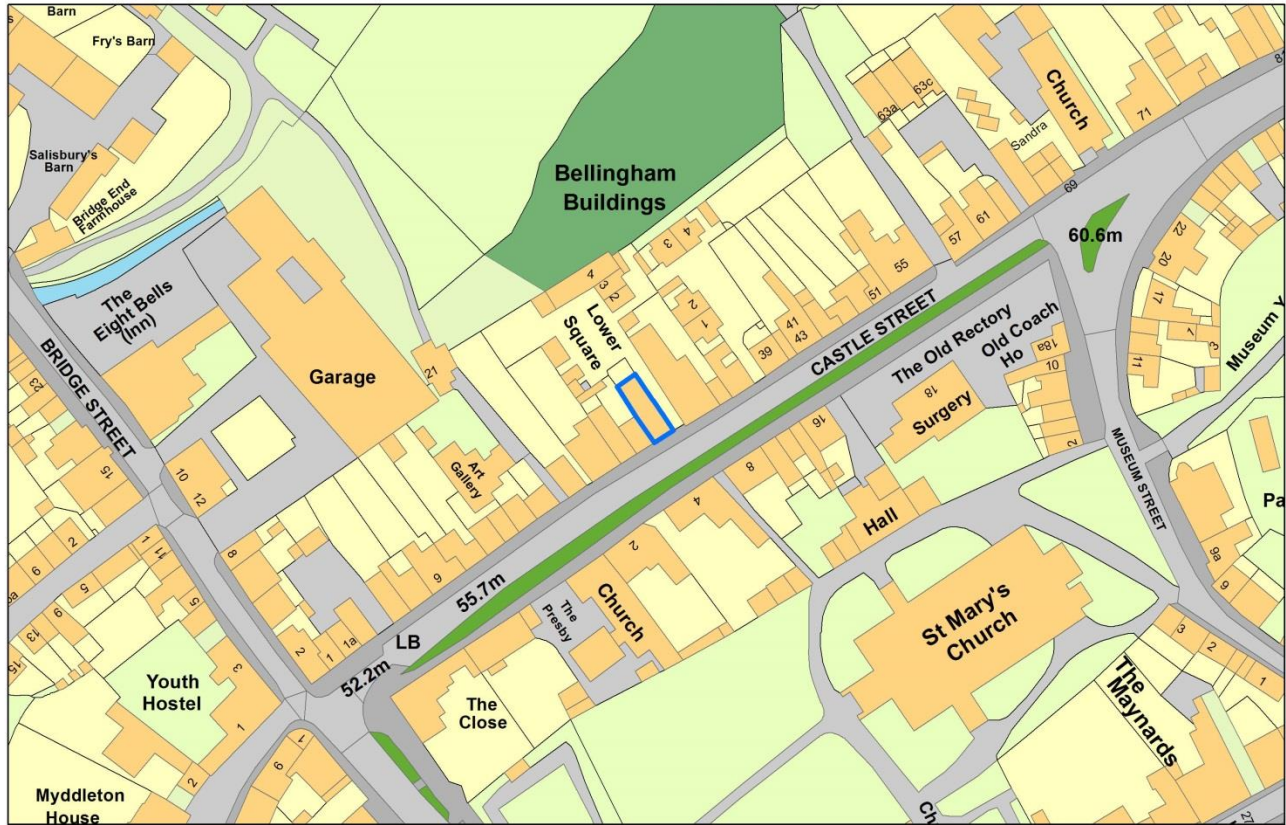
**National Grid**

**reference** TL 53666

38671

**Contact** 01799 510510

## Map



LB at RISK  
31 Castle Street, Saffron Walden



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2015 Ordnance Survey 0100018688

# 12, Market Hill, Saffron Walden

## Description

Shop and office. Early C16, mid C16, C19 rear addition and refronting with shop. Timber-framed and plastered, peg-tiled roof. 2 storey with partial rear attic, one prominent stack. Modified H plan of central range, jettied cross-wings, long rear lean-to extension to N wing and similar to S wing with further deep lean-to addition on N side into rear yard.

## Risk

Early C16 and later timber framed building. Lack of maintenance and deterioration to rear elevation and ranges. Roof to rear inadequately protected with a tarpaulin, windows boarded to facade.

## Suggested immediate actions

- Improve temporary protection to rear roof slopes



## Summary

•••

**Parish** Saffron Walden

**Conservation Area**  
Saffron Walden

**Designation** Grade II\*

**List Entry ID** 1196216

**Priority** A

**Condition** Poor

**Date Registered** 1999

**Ownership** Private

**For sale** No

**Last site visit**  
14/5/2015

**National Grid reference** TL 53830  
38589

**Contact** 01799 510510

## Map



LB at Risk  
12 Market Street Saffron Walden



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2014 Ordnance Survey 0100018688

# The Old Forge, 35 Cambridge Rd, Stansted Mountfitchet CM24 8BX

## Description

C18 timber-framed and plastered house. Two storeys. Two window range, casements with leaded lights. Roof tiled, with a coved plaster eaves cornice. Unoccupied and neglected for long time.

Suggested immediate actions: N/A

Repaired. To be removed from list

## Summary

•••

**Parish** Stansted  
Mountfitchet

**Designation** Grade II

**List Entry ID** 1238572

**Priority** N/A

**Condition** Good

**Date Registered** 1999

**Ownership** Private

**For sale** No

**Last site visit** 3/7/2015

**National Grid  
reference** TL 51041  
25251

**Contact** 01799 510510



## Map



LB at Risk  
The Old Forge, 35 Cambridge Rd, Stansted Mountfitchet



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2014 Ordnance Survey 0100018688

# Three Colts Inn, 86, Cambridge Road, Stansted Mountfitchet

## Description

C18 timber-framed and plastered house with some weather-boarding in the gables and brick faced on the ground storey (painted). Two storeys. Three window range, C20 casements on the upper storey and double-hung sashes with glazing bars on the ground storey. The outer windows on the ground storey are canted bays. A single storey addition extends at the north-east end. Roofs tiled. At the south-west end there is a large end external chimney stack.

## Risk

Property has been vacant and subject to vandalism. Windows broken but now boarded.

## Suggested immediate actions

- Vegetation to be removed



## Summary

•••

**Parish** Stansted  
Mountfitchet

**Designation** Grade II

**List Entry ID** 1274145

**Priority** A

**Condition** Poor

**Date Registered** 2015

**Ownership** Private

**For sale** No

**Last site visit**


**National Grid  
reference** TL51255  
25507

**Contact** 01799 510510

## Map



LB at Risk  
The Colts Inn, 86 Cambridge Road Stansted

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# Sheering Hall, Outbuilding, Sheering

## Description

Byre to east of Sheering Hall, timber framed, plastered, and weatherboarded byre, with grey asbestos slate roof. A rare and unusual agricultural building of uncertain function.

## Risk

None

Suggested immediate actions: N/A

Repaired. To be removed from list.



## Summary

•••

**Parish** Hatfield Heath

**Designation** Grade II

**List Entry ID** 1168808

**Priority** N/A

**Condition** Good

**Date Registered** 2010

**Ownership** Company

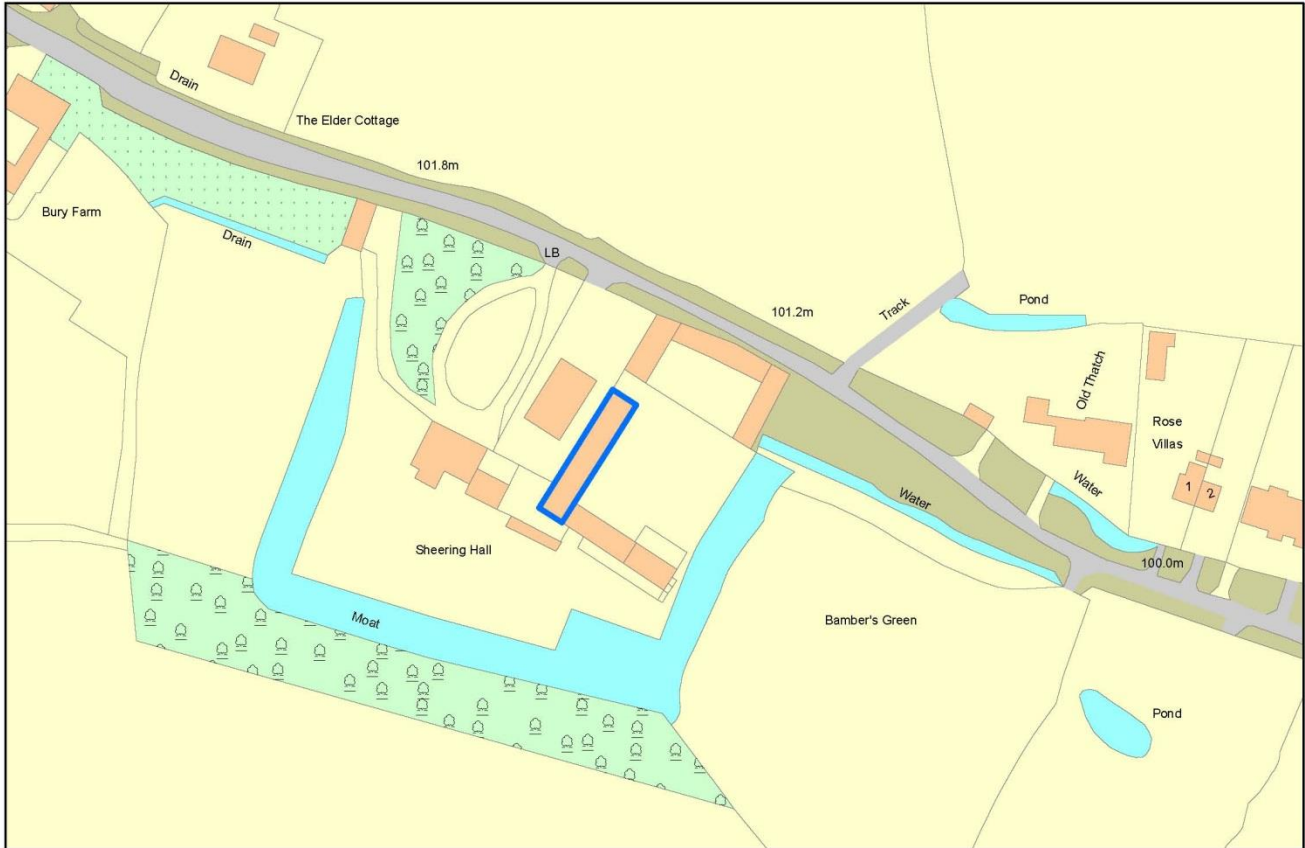
**For sale** No

**Last site visit** 3/7/2015

**National Grid  
reference** TL 57598  
22892

**Contact** 01799 510510

# Map



LB at Risk  
Sheering Hall outbuilding, Sheering



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# Yew Tree Cottage, School Lane, Molehill Green, Takeley

## Description

C18 or earlier cottage. Timber framed and plastered, with hipped thatched roof. One storey and attics, 4 window range, late C19 casements. One eyebrow dormer. Lean-to extensions to east and west end. Pargetted in combed panels, some of which are original. Suffered serious fire damage.

Suggested immediate actions: N/A

Repaired. To be removed from list



## Summary

•••

**Parish** Takeley

**Designation** Grade II

**List Entry ID** 1322591

**Priority** N/A

**Condition** Good

**Date Registered** 2010

**Ownership** Company

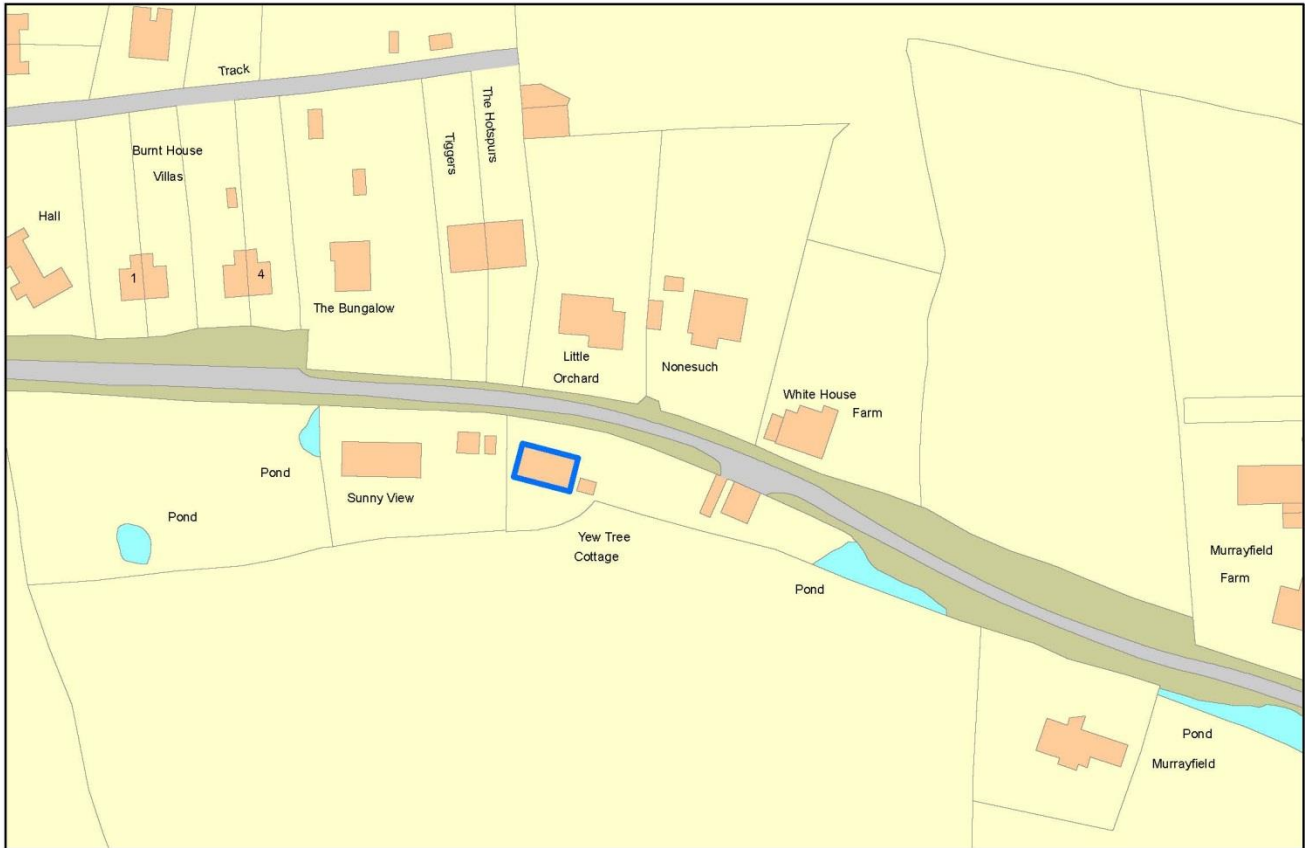
**For sale** No

**Last site visit** 3/7/2015

**National Grid  
reference** TL 56583  
24723

**Contact** 01799 510510

## Map



LB at Risk  
Yew Tree Cottage, School Lane, Molehill Green



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2014 Ordnance Survey 0100018688

# Tilty Mill, Tilty

## Description

Watermill. Early C18, heightened in C19, and most of the machinery dates from the later period. Red brick with tiled roof, half-hipped with a gablet at one end and a weatherboarded lucam for sack-hoisting at the other. Two storeys and attics; 3 windows. One gabled dormer with boarded loading door below. Cambered casements and central doorcase.

## Risk

Vacant early C18 watermill with mechanism still intact but suffering from structural problems and lack of maintenance. Recommendations made by the District Council and Historic England for enabling development and conversion to residential use refused by Inspector.

## Suggested immediate actions

- Vegetation to be removed
- Vulnerable areas of structure to be propped and supported
- Openings to be secured

## Summary

• • •

**Parish** Tilty

**Designation** Grade II\*

**List Entry ID** 1112221

**Priority** A

**Condition** Poor

**Date Registered** 1986

**Ownership** Private

**For sale** No

**Last site visit**

29/4/2015

**National Grid**

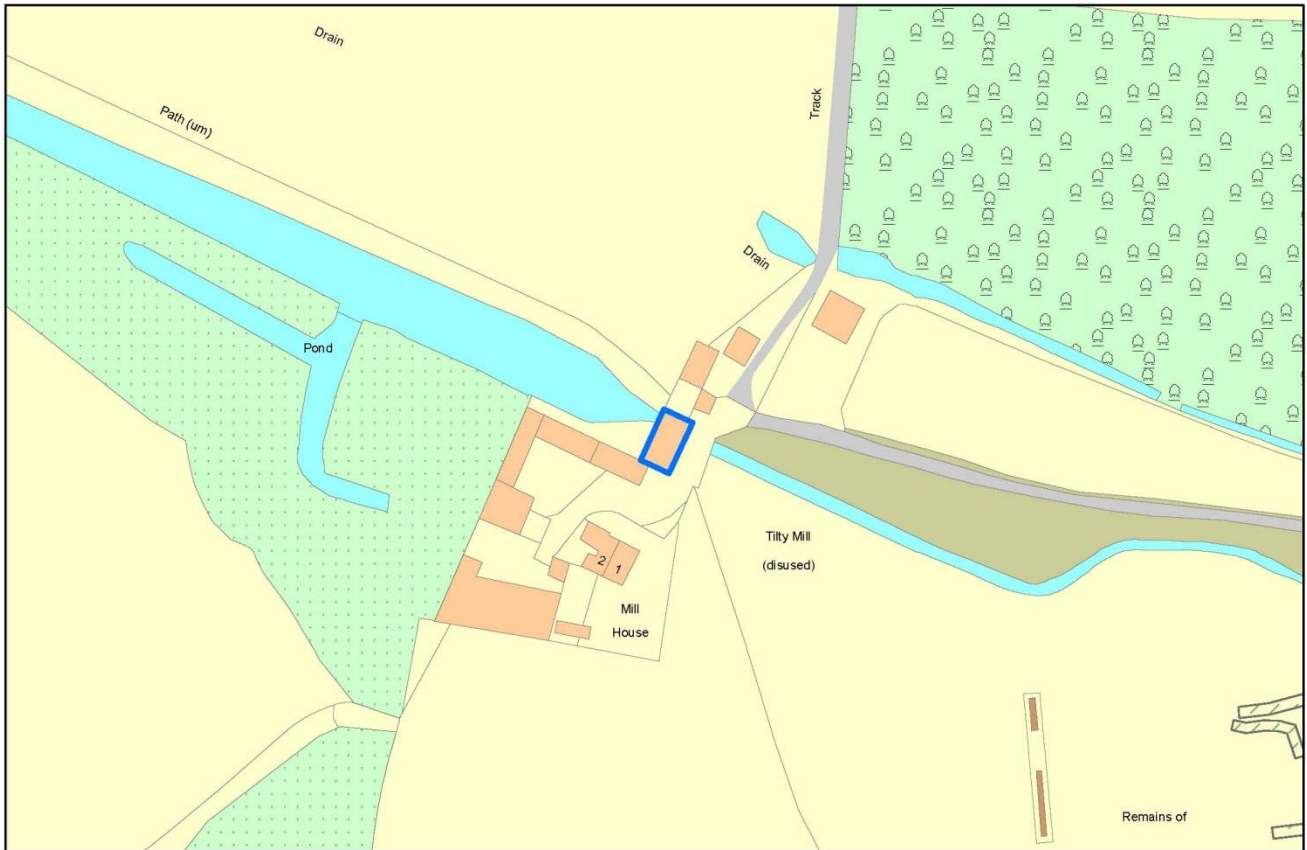
**reference** TL 59944

26734

**Contact** 01799 510510



# Map



LB at Risk  
Tilty Mill



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# Church of St Dunstan, Wenden Lofts

## Description

The original building of the C12 was completely rebuilt in 1845-6 and the original C12 south door was incorporated. The interior of the church has been entirely dismantled and the building is now a shell.

## Risk

An overgrown and ruinous shell. Consolidation work to fabric required.

## Suggested immediate actions

- Vegetation to be removed
- Vulnerable areas of structure to be propped and supported
- Openings to be secured as necessary.



## Summary

• • •

**Parish** Wenden Lofts

**Designation** Grade II

**List Entry ID** 1273778

**Priority** A

**Condition** Very bad

**Date Registered** 1986

**Ownership** Private

**For sale** No

**Last site visit**

29/4/2015

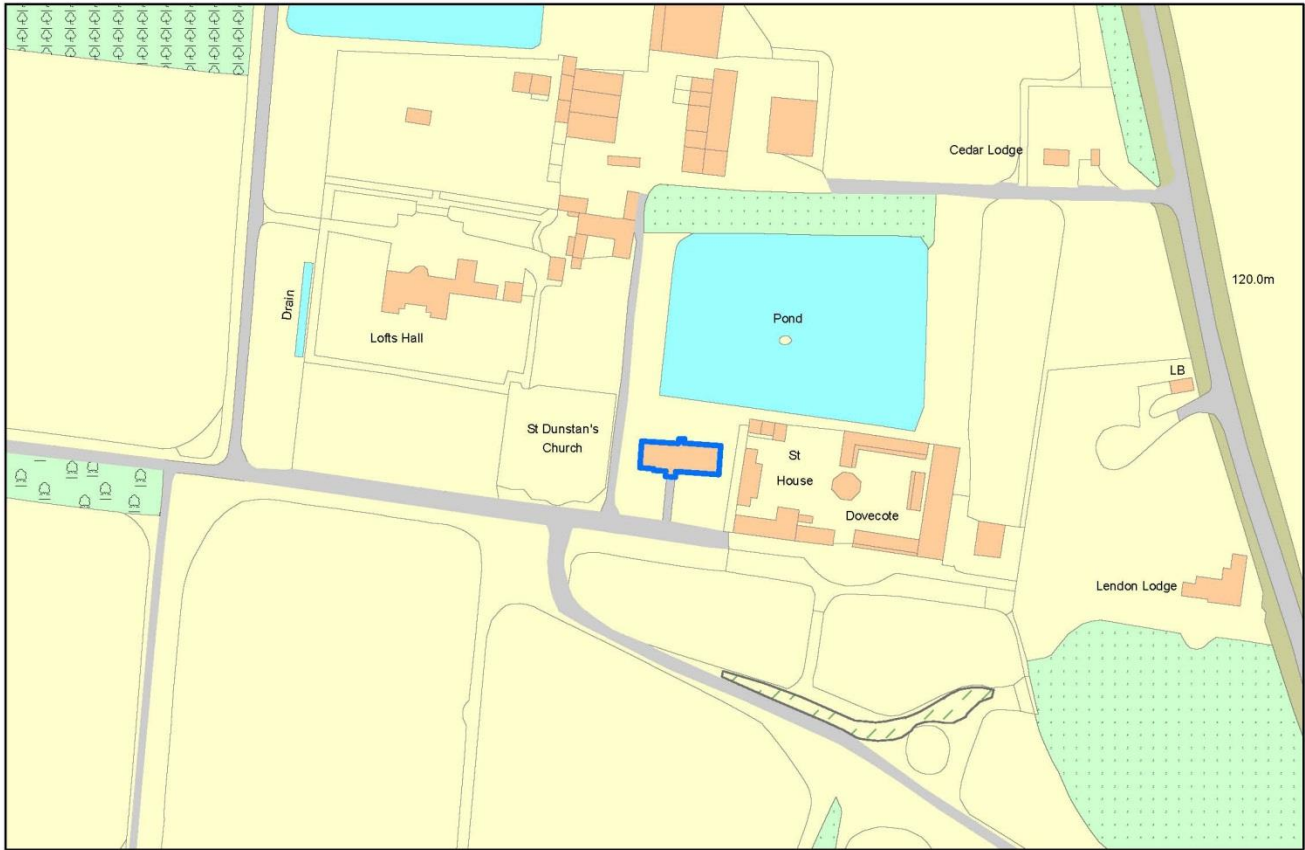
**National Grid**

**reference** TL 46387

38731

**Contact** 01799 510510

## Map



LB at Risk  
Church of Dunstan, Wenden Lofts



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2014 Ordnance Survey 0100018688



# Westbury Barn, Royston Rd, Wendens Ambo

## Description

Barn circa 1600. Single aisled. Timber framed and plastered, with weatherboarded end gables and dado. Corrugated iron roof, 19th Century gabled and lean-to access points added to south side. Lean-to extension at west end of south side. Internally,, the original frame is virtually complete, with jowled main posts, arch braced tie beams, Queen post roof with wind braced lodged side purlins. Halved and bladed scarfs to arcade plate and top plate.

## Risk

Corrugated tin roof, weatherboarding missing in places and roof appears to be no longer watertight. Repairs required. Application for residential conversion refused in the past.

## Suggested immediate actions

- Localised repairs to render using like-for-like materials



## Summary

•••

**Parish** Wendens Ambo

**Designation** Grade II

**List Entry ID** 1239595

**Priority** C

**Condition** Fair

**Date Registered** 1999

**Ownership** Company

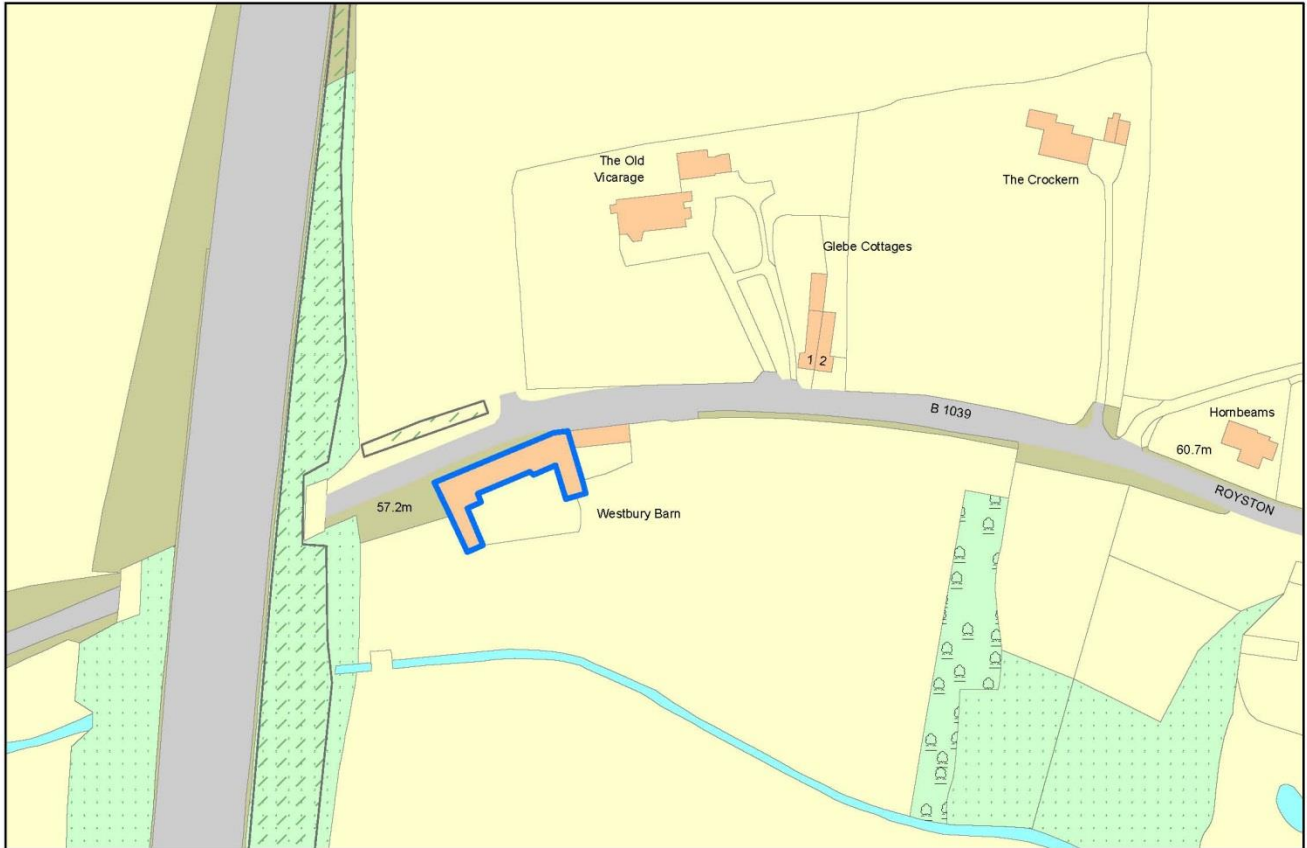
**For sale** Unknown

**Last site visit**  
14/5/2015

**National Grid**  
**reference** TL 50888  
36397

**Contact** 01799 510510

# Map



LB at Risk  
Westbury Barn, Royston Road, Wendens Ambo



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# Heritage at Risk Register

A report on the heritage sites under threat  
in the Uttlesford District

**Uttlesford District Council**



## Summary of Heritage at Risk

Currently there are 9 heritage sites at risk in Uttlesford. Below is a summary table of sites 'At Risk' as identified by Historic England and included on the register. This is followed by a detailed report on each individual site.

Parish	Building	Designation	Priority
Great Chesterford	Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford, Great Chesterford	Scheduled Monument	N/A
Great Chesterford	Romano-Celtic temple 400m south of Dell's Farm, Great Chesterford	Scheduled Monument	N/A
Great Dunmow	Square and circular barrows 260m south east of Parsonage Farm, Great Dunmow	Scheduled Monument	N/A
Hatfield Broad Oak	Church of St Mary the Virgin, Hatfield Broad Oak	Grade I	B
Little Canfield	Barn at Little Canfield Hall, Little Canfield	Grade II*	F
Little Easton	Easton Lodge Gardens, Little Easton	Grade II	D
Manuden	Church of St Mary the Virgin, The Street, Manuden	Grade II*	A
Stansted Mountfitchet	Stansted Castle: Ringwork and associated bailey, Stansted Mountfitchet	Scheduled Monument	N/A
Takeley	Site of Waltham Hall, Takeley	Scheduled Monument	N/A

# Church of St Mary the Virgin, Hatfield Broad Oak

## Description

Grade I parish church, part of former Benedictine priory. C12, with late C14 clerestory, but much of the exterior is C15. Restored in 1845 by RC Carpenter. Walls of pebble rubble with limestone dressings. Part of roofing suffered from heritage crime in 2010/11. Now temporarily protected, but water ingress remains a problem. Requires permanent solution which has been provisionally agreed, but works are yet to commence.

## Risk

Immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented.

## Suggested immediate actions

- Contact Historic England

## Summary

•••

**Parish** Hatfield Broad Oak

**Designation** Grade I

**HER** 1186272

**Priority** B

**Condition** Very bad

**Date Registered** N/A

**Ownership** Religious organisation

**For sale** No

**Last site visit** N/A

**National Grid reference**  
TL5467216625

**Contact** Trudi Hughes  
01223 582739



## Map



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**Name:** CHURCH OF ST MARY THE VIRGIN

<b>Heritage Category:</b>	Listing
<b>List Entry No :</b>	1186272
<b>Grade:</b>	I
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Hatfield Broad Oak

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Any object or structure fixed to the principal building or buildings and any object or structure within the curtilage of the building, which, although not fixed to the building, forms part of the land and has done so since before 1st July, 1948 is by law to be treated as part of the listed building.

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<b>List Entry NGR:</b>	TL 54672 16625
<b>Map Scale:</b>	1:2500
<b>Print Date:</b>	3 July 2015



# Church of St Mary the Virgin, The Street, Manuden

## Description

Church with probable C12 origins. C15 nave. Largely demolished and rebuilt in the 1860s. Constructed from flint rubble with stone dressings and a tile roof. The church forms the focal point of the village. Shingled spire showing signs of loss and curling of shingles; north transept (vestry) roof tiles are slipping. The latter are over a C15 roof structure with plastered ceiling and there is mould growth on the western part of the ceiling which is indicative of moisture ingress. Other tiles slipping elsewhere. Long term solution to be agreed.

## Risk

Immediate risk of further rapid deterioration or loss of fabric; no solution agreed.

## Suggested immediate actions

- Contact Historic England



## Summary

•••

**Parish** Manuden

**Designation** Grade II\*

**HER** 1233999

**Priority** A

**Condition** Poor

**Date Registered** N/A

**Ownership** Religious organisation

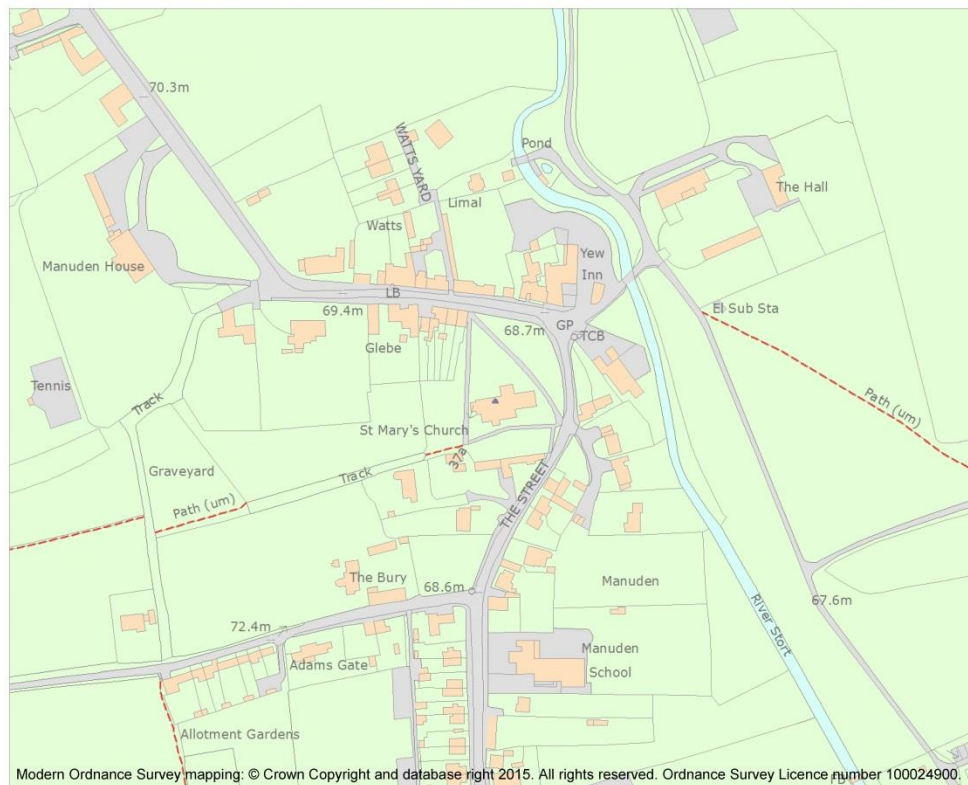
**For sale** No

**Last site visit** N/A

**National Grid reference** TL 49104  
26665

**Contact** Trudi Hughes  
01223 582739

## Map



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**Name:** CHURCH OF ST MARY THE VIRGIN

<b>Heritage Category:</b>	Listing
<b>List Entry No :</b>	1233999
<b>Grade:</b>	II*
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Manuden

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<b>List Entry NGR:</b>	TL 49104 26665
<b>Map Scale:</b>	1:2500
<b>Print Date:</b>	3 July 2015





# Easton Lodge Gardens, Little Easton

## Description

Edwardian gardens designed by Harold Peto c1902, incorporating a late C17/early C18 grove. The house was fire damaged and finally demolished in 1950. Converted service buildings and infill development remain. Built structures within the garden have deteriorated, particularly the Italian Garden but planting improving. Ownership split between private owners of house and an investment company. Garden continues to open to public in a limited manner under the direction of the charity, The Gardens of Easton Lodge Preservation Trust.

## Risk

Generally satisfactory but with significant localised problems.

## Suggested immediate actions

- Contact Historic England



## Summary

•••

**Parish** Little Easton

**Designation** Registered Park and Garden Grade II

**HER** 1001484

**Priority** D

**Condition** Generally satisfactory but with significant localised problems

**Date Registered** N/A

**Ownership** Private, multiple owners

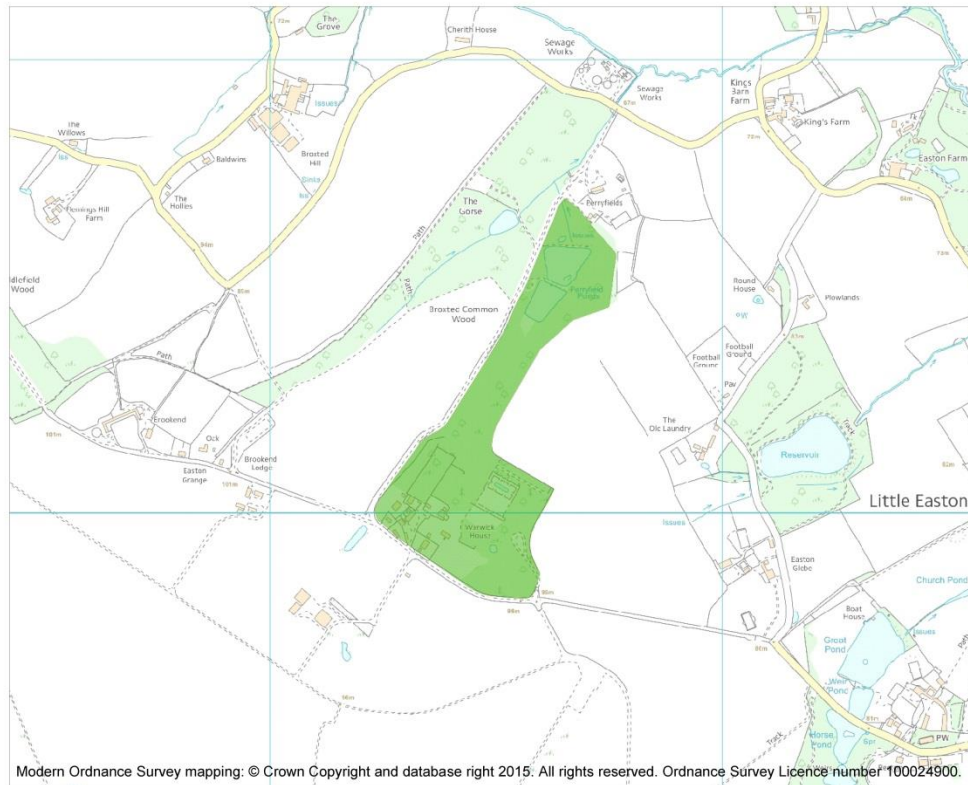
**For sale** No

**Last site visit** N/A

**National Grid reference** TL 59497 23974

**Contact** Deborah Priddy 01223 582720

## Map



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**Name:** EASTON LODGE

<b>Heritage Category:</b>	Park and Garden
<b>List Entry No :</b>	1001484
<b>Grade:</b>	II
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Little Easton

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<b>List Entry NGR:</b>	TL 59497 23974
<b>Map Scale:</b>	1:10000
<b>Print Date:</b>	3 July 2015



# Barn at Little Canfield Hall, Little Canfield

## Description

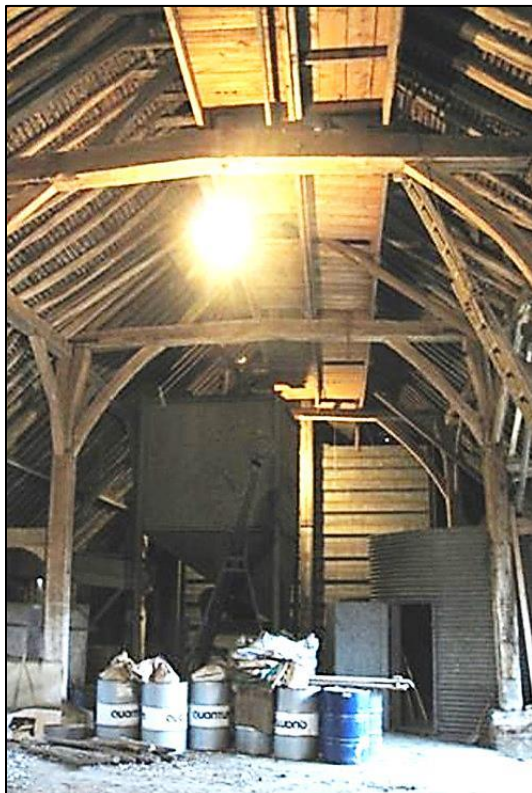
A substantial aisled barn dating from the late C14. The barn is redundant and requires structural repairs and re-roofing. Listed Building Consent for the conversion of the barn to a single residential dwelling was approved in January 2013 and building works commenced on site in April 2014.

## Risk

Repair scheme in progress and (where applicable) end use or user identified; functionally redundant buildings with new use agreed but not yet implemented.

## Suggested immediate actions

- Contact Historic England



## Summary

• • •

**Parish** Little Canfield

**Designation** Grade II\*

**HER** 1054762

**Priority** F

**Condition** Poor

**Date Registered** N/A

**Ownership** Private

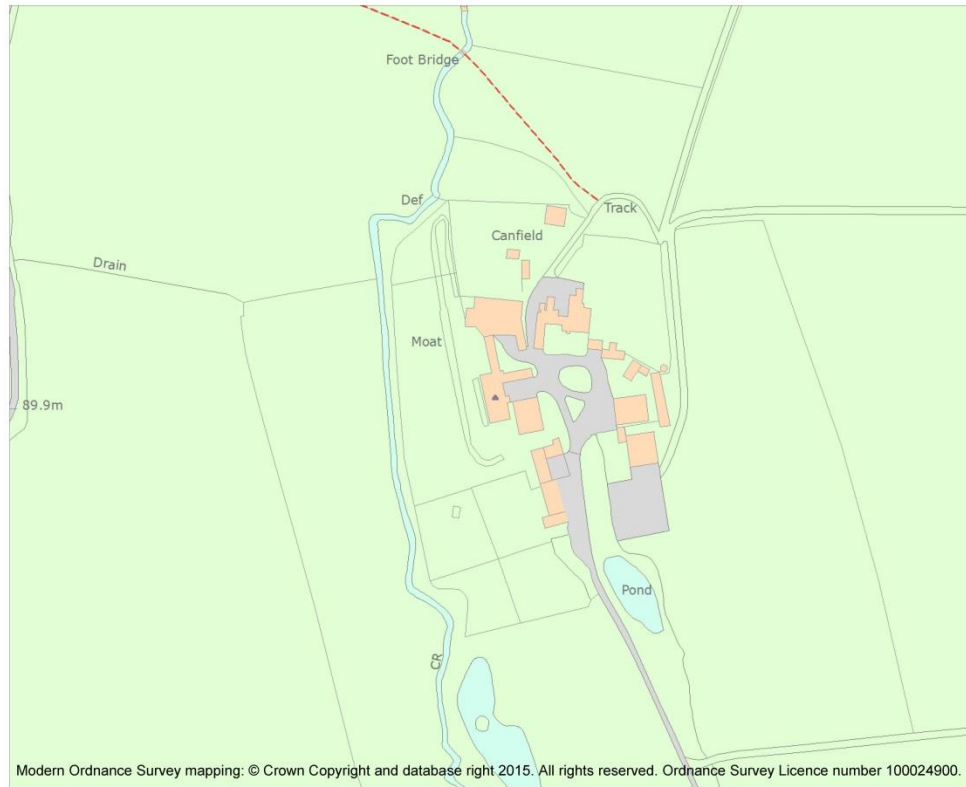
**For sale** No

**Last site visit** N/A

**National Grid reference** TL 58504  
21887

**Contact** Sheila Stones  
01223 582716

## Map



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**Name:** BARN AT LITTLE CANFIELD HALL (50 METRES SOUTH WEST)

<b>Heritage Category:</b>	Listing
<b>List Entry No :</b>	1054762
<b>Grade:</b>	II*
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Little Canfield

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<b>List Entry NGR:</b>	TL 58504 21887
<b>Map Scale:</b>	1:2500
<b>Print Date:</b>	3 July 2015

# Stansted Castle: Ringwork and associated bailey, Stansted Mountfitchet

## Description

Ringworks of medieval date built and occupied from the late Anglo-Saxon period to the later 12th century comprising a small defended area containing buildings which was surrounded or partly surrounded by a substantial ditch and a bank surmounted by a timber palisade or, rarely, a stone wall. They are rare nationally and are of particular significance to our understanding of the period. The earthworks remain essentially undisturbed and will retain important archaeological evidence pertaining to the internal layout of the castle and environmental information relating to the economy of its inhabitants and the landscape in which they lived.

## Risk

Generally satisfactory but with significant localised problems.  
Principal Vulnerability: Collapse.

## Suggested immediate actions

- Contact Historic England

NO PHOTO AVAILABLE

## Summary

•••

**Parish** Stansted  
Mountfitchet

**Designation** Scheduled  
Monument, LB Grade II,  
part in CA

**HER** 1009311

**Priority** N/A

**Condition** Generally  
Satisfactory

**Date Registered** N/A

**Ownership** Commercial  
company

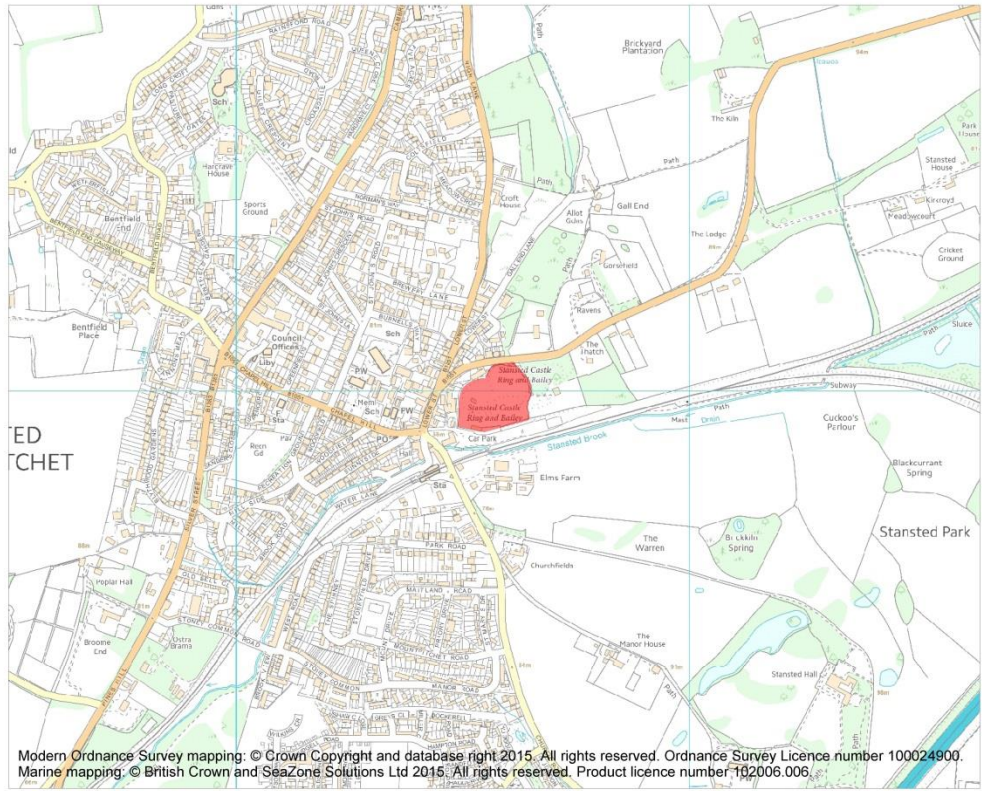
**For sale** No

**Last site visit** N/A

**National Grid  
reference** TL 51569  
24988

**Contact** Deborah  
Priddy 01223 582720

Map



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 Marine mapping: © British Crown and SeaZone Solutions Ltd 2015. All rights reserved. Product licence number 102006.006.

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**Name:** Stansted Castle: a ringwork and associated bailey 100m north of Elms Farm

<b>Heritage Category:</b>	Scheduling
<b>List Entry No :</b>	1009311
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Stansted Mountfitchet

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<b>List Entry NGR:</b>	TL 51569 24988
<b>Map Scale:</b>	1:10000
<b>Print Date:</b>	3 July 2015



# Site of Waltham Hall, Takeley

## Description

Site of Waltham Hall.

## Risk

Arable ploughing.

## Suggested immediate actions

- Contact Historic England



## Summary

• • •

**Parish** Takeley

**Designation** Scheduled  
Monument

**HER** 1002161

**Priority** N/A

**Condition** Extensive  
significant problems

**Date Registered** N/A

**Ownership** Commercial  
company

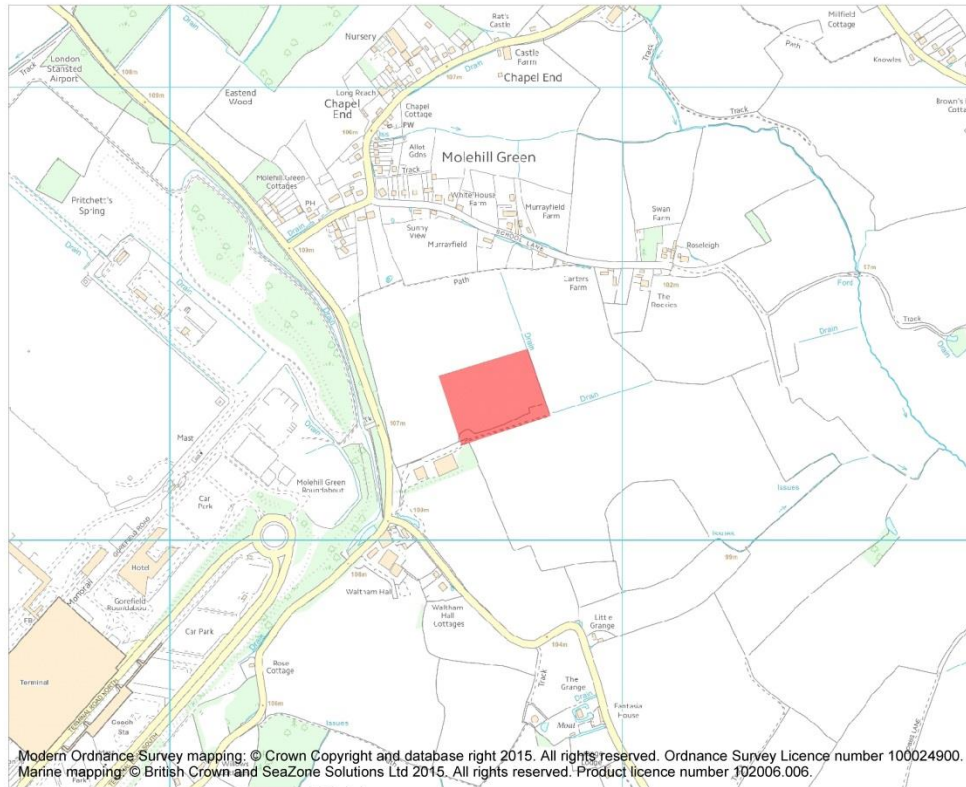
**For sale** No

**Last site visit** N/A

**National Grid  
reference** TL 56717  
24318

**Contact** David Kenny  
01223 582700

## Map



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**Name:** Site of Waltham Hall

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<b>Heritage Category:</b>	Scheduling
<b>List Entry No :</b>	1002161
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Takeley

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<b>List Entry NGR:</b>	TL 56717 24318
<b>Map Scale:</b>	1:10000
<b>Print Date:</b>	3 July 2015



# Square and circular barrows 260m south east of Parsonage Farm, Great Dunmow

## Description

The square barrows 260m south east of Parsonage Farm no longer survive as earthworks, but their buried remains, including the internal burials, are expected to survive well. The internal burials will, whether they prove to be cremations or inhumations, contain grave goods and skeletal material which will confirm their date as well as providing information on burial custom and ritual practice, and demographic information on the Roman population. Environmental evidence preserved in the buried ground surfaces and in the fills of the ditches may illustrate the nature of the landscape in which the barrows were set.

The association of the three square barrows with the single round barrow is rare and gives the site particular importance.

## Risk

Arable ploughing.

## Suggested immediate actions

- Contact Historic England



## Summary

•••

**Parish** Great Dunmow

**Designation** Scheduled Monument

**HER** 1017231

**Priority** N/A

**Condition** Extensive significant problems

**Date Registered** N/A

**Ownership** Private, multiple owners

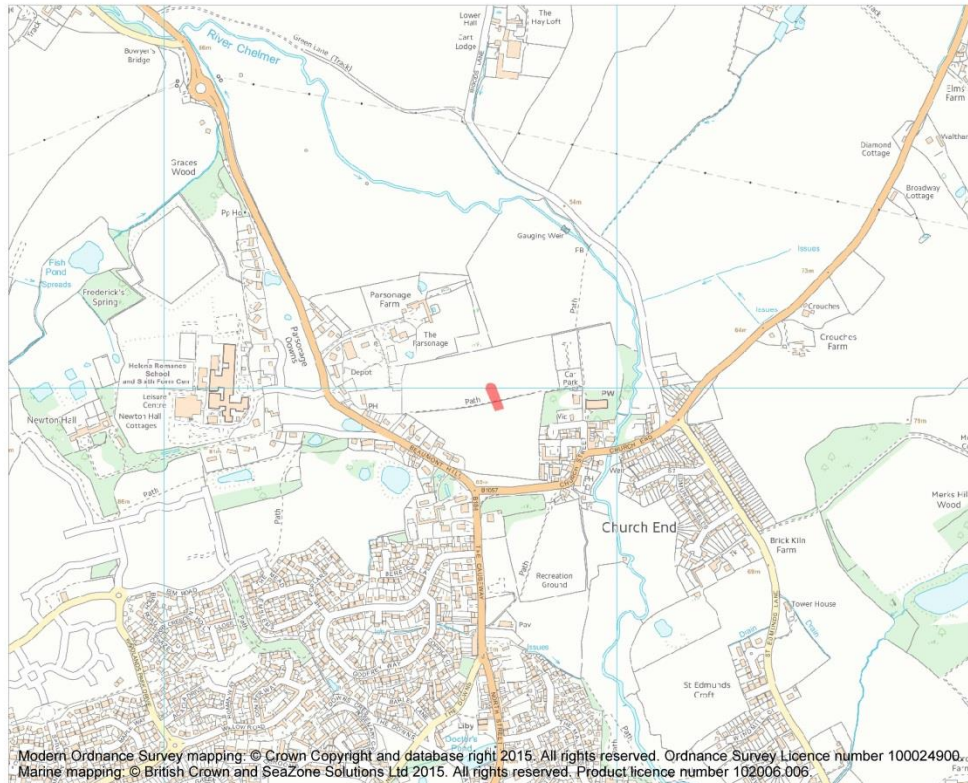
**For sale** No

**Last site visit** N/A

**National Grid reference** TL 62729 22980

**Contact** David Kenny 01223 582700

## Map



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**Name:** Square and circular barrows 260m south east of Parsonage Farm

<b>Heritage Category:</b>	Scheduling
<b>List Entry No :</b>	1017231
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Great Dunmow

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<b>List Entry NGR:</b>	TL 62729 22980
<b>Map Scale:</b>	1:10000
<b>Print Date:</b>	3 July 2015



# Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford, Great Chesterford

## Description

The monument includes an early Roman fort which was superseded on the same site by a small Roman town, two cemeteries of Roman date and an Anglo-Saxon cemetery. It is located just to the south of the Essex-Cambridgeshire border on a terrace above the east bank of the River Cam. The monument is protected within three separate areas, divided by a rectangular quarry across the central part of the site and by Newmarket Road at its eastern end.

## Risk

Arable ploughing.

## Suggested immediate actions

- Contact Historic England



## Summary

•••

**Parish** Great Chesterford

**Designation** Scheduled Monument

**HER** 1013484

**Priority** N/A

**Condition** Extensive significant problems

**Date Registered** N/A

**Ownership** Mixed, multiple owners

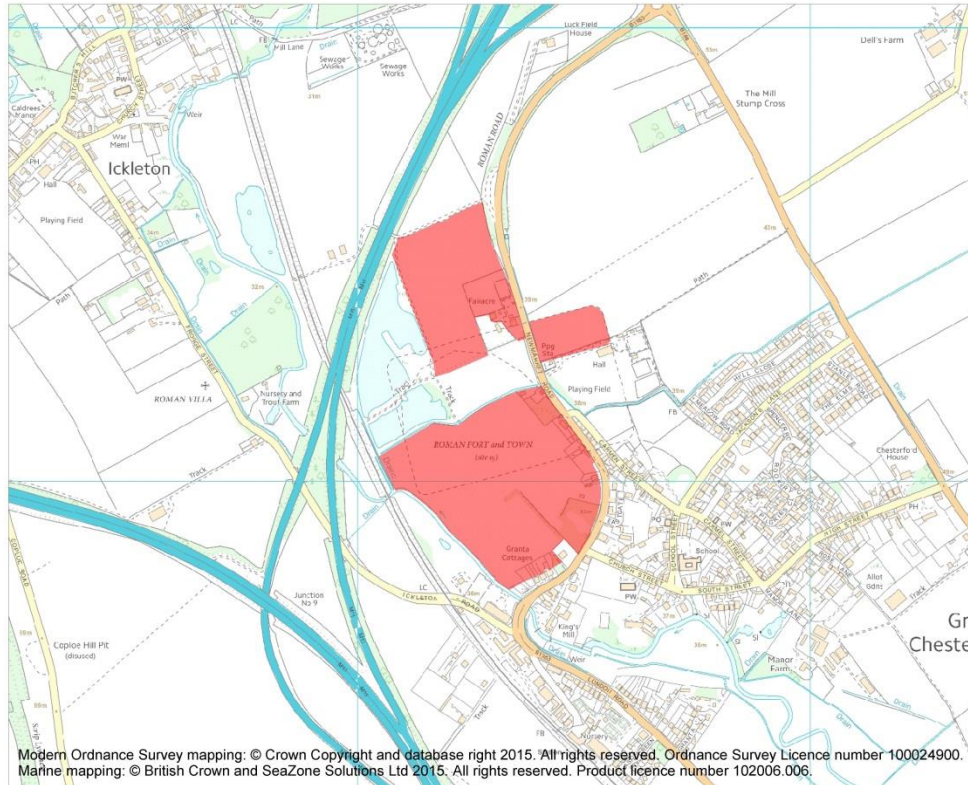
**For sale** No

**Last site visit** N/A

**National Grid reference** TL 50223 43423

**Contact** David Kenny  
01223 582700

## Map



Modern Ordnance Survey mapping: © Crown Copyright and database right 2015. All rights reserved. Ordnance Survey Licence number 100024900.  
 Marine mapping: © British Crown and SeaZone Solutions Ltd 2015. All rights reserved. Product licence number 102006.006.

This is an A4 sized map and should be printed full size at A4 with no page scaling set.

**Name:** Roman fort, Roman town, Roman and Anglo-Saxon cemeteries at Great Chesterford

<b>Heritage Category:</b>	Scheduling
<b>List Entry No :</b>	1013484
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Great Chesterford

Each official record of a scheduled monument contains a map. New entries on the schedule from 1988 onwards include a digitally created map which forms part of the official record. For entries created in the years up to and including 1987 a hand-drawn map forms part of the official record. The map here has been translated from the official map and that process may have introduced inaccuracies. Copies of maps that form part of the official record can be obtained from Historic England.

This map was delivered electronically and when printed may not be to scale and may be subject to distortions. All maps and grid references are for identification purposes only and must be read in conjunction with other information in the record.

<b>List Entry NGR:</b>	TL 50223 43423
<b>Map Scale:</b>	1:10000
<b>Print Date:</b>	3 July 2015



# Romano-Celtic temple 400m south of Dell's Farm, Great Chesterford

## Description

The monument includes the buried remains of a substantial Romano-British temple complex located within an arable field on the broad sloping hillside on the east side of the River Cam, 0.5km to the north east of the village of Great Chesterford. The site of the Iron Age settlement, Roman fort and market town for which Great Chesterford is widely known, lies about 1km to the west of the temple and is the subject of a separate scheduling.

## Risk

Arable ploughing.

## Suggested immediate actions

- Contact Historic England



## Summary

•••

**Parish** Great  
Chesterford

**Designation** Scheduled  
Monument

**HER** 1017453

**Priority** N/A

**Condition** Extensive  
significant problems

**Date Registered** n/A

**Ownership** Commercial  
company

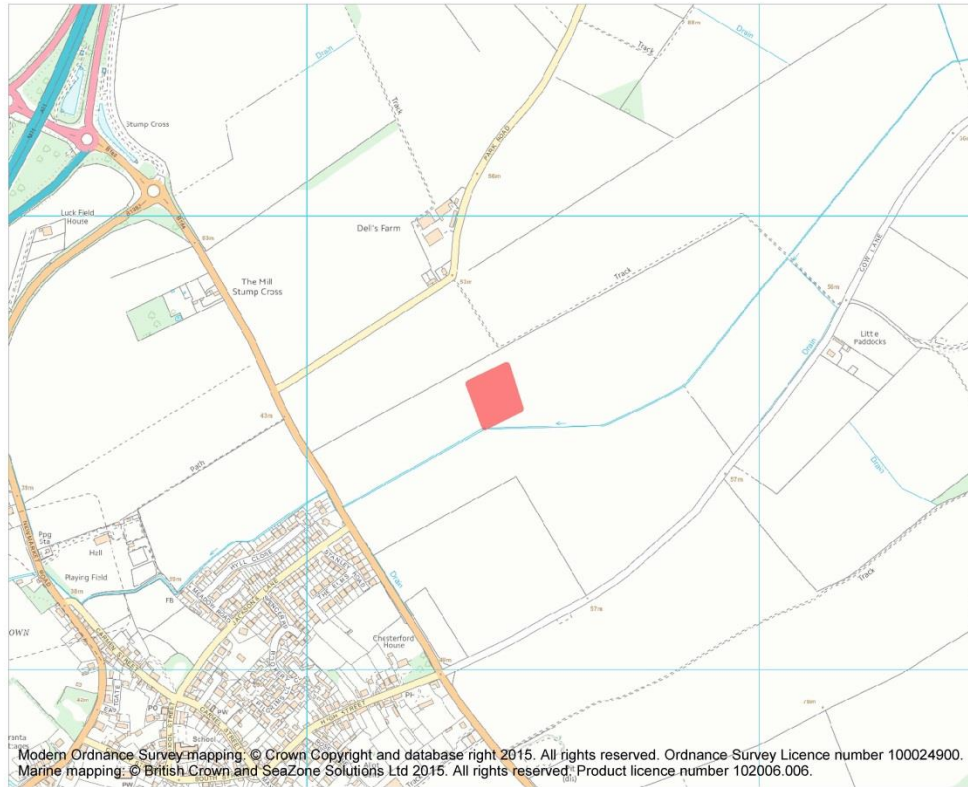
**For sale** No

**Last site visit** N/A

**National Grid  
reference** TL 51414  
43603

**Contact** David Kenny  
01223 582700

## Map



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 Marine mapping: © British Crown and SeaZone Solutions Ltd 2015. All rights reserved. Product licence number 102006.006.

This is an A4 sized map and should be printed full size at A4 with no page scaling set.

**Name:** Romano-Celtic temple 400m south of Dell's Farm

<b>Heritage Category:</b>	Scheduling
<b>List Entry No :</b>	1017453
<b>County:</b>	Essex
<b>District:</b>	Uttlesford
<b>Parish:</b>	Great Chesterford

Each official record of a scheduled monument contains a map. New entries on the schedule from 1988 onwards include a digitally created map which forms part of the official record. For entries created in the years up to and including 1987 a hand-drawn map forms part of the official record. The map here has been translated from the official map and that process may have introduced inaccuracies. Copies of maps that form part of the official record can be obtained from Historic England.

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<b>List Entry NGR:</b>	TL 51414 43603
<b>Map Scale:</b>	1:10000
<b>Print Date:</b>	3 July 2015



**Committee:** Cabinet  
**Date:** 23 July 2015  
**Title:** Council Tax write off recovered  
**Portfolio Holder:** Councillor Simon Howell  
Cabinet Member for Finance and Administration

**Agenda Item**

**11**

Item for decision:  
**No**

---

## Summary

1. A council tax debt of £11,839 was presented to Members for approval to write the debt off to Cabinet in March 2014. The customer was going into bankruptcy and it was extremely unlikely that the council would be able to recover these monies owed.
2. The customer has since applied to the courts for an Independent Voluntary Arrangement (IVA) which was approved on the 29<sup>th</sup> April 2015 of 100p in the £ to unsecured creditors.
3. UDC has since received an interim payment of 90p in the £, totalling £11,083 and expect to receive the outstanding monies owed in due course.

## Recommendations

4. This report is to update members and is to note only.

## Financial Implications

5. Recovery of a debt previously written off to the value of £11,289.

## Background Papers

6. None

## Impact

- 7.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	

Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

**Risk Analysis**

8.

Risk	Likelihood	Impact	Mitigating actions
No further monies are received	1 – this is in the court arena so unlikely to default on final payment	1 – the amount owing is so low this will have no significant impact	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Committee:** Cabinet

**Agenda Item**

**Date:** 23 July 2015

**10**

**Title:** Council tax and Housing Benefit Civil Penalties Policy

**Portfolio Holder:** Councillor Howell  
Cabinet Member for Finance and Administration

Item for decision

### Summary

1. This report requests Cabinet approval to implement a Council Tax and Housing Benefit Civil Penalties Policy for those customers who fail to advise the Council of a change in circumstance which affects a discount, benefit or exemption or who fail to respond to a request for information relating to those allowances.

### Recommendations

2. The Cabinet is recommended to approve the introduction of the Council Tax and Housing Benefit Civil Penalties Policy as set out in Appendix One.

### Financial Implications

3. Any income generated will be used to offset the cost of administering the scheme.

### Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

### Impact

Communication/Consultation	Proposals to be subject to publicity through local papers to advise customers of new policy and the implications. All Council Tax bills, Housing Benefit letters and the Revenues/Benefit website already advise customers of the potential to receive a penalty in certain circumstances
Community Safety	None
Equalities	Customers with mitigating personal/family

	circumstances will be excluded from receiving a penalty
Health and Safety	None
Human Rights/Legal Implications	Compliance with relevant legislation
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

### **Council Tax and Housing Benefit Penalty Policy**

5. The civil penalty legislation has been available to UDC under Council Tax legislation since 1993 and more recently in LCTS and Housing Benefit since 2012 and 2013 respectively. However the policy has not been actively pursued in this Authority until now.
6. A significant amount of officer time and therefore cost is currently taken up on chasing information which the council should have been notified of by the occupier or claimant. It is anticipated that by introducing this policy it will lead to prompt notification of changes in circumstances. It is not intended to be an additional source of income generation.
7. The proposal is that UDC introduces a penalty policy in accordance with the legislation and commences charging the appropriate penalty in the following circumstances
  - Where fraud proceedings are not applicable, and no caution or Administrative penalty has been applied.
  - After a grace period of one calendar month has elapsed.
  - There has been a resulting overpayment of more than £100
  - There are no mitigating personal/family circumstances such as death or illness.
8. The penalty will be collected direct from either the Council Tax account or in the case of Housing Benefit deduction will be made from ongoing benefit or via an invoice raised through Sundry Debtors
9. The customer does have the right of appeal in the case of Council Tax/LCTS via the Valuation Tribunal or for Housing Benefit through the reconsideration process or the Tribunal Service.

10. This policy will support the compliance and counter fraud work being carried out in partnership with ECC, FA, PCC and other District Councils across Essex and will ensure that where there is abuse of the system and customer's claim a reduction in Council Tax or help with their rent for a period to which they are not entitled, a penalty is applied (cases where a fraud investigation is not applicable). This will protect the Council Tax base and the public purse which will provide more funding for essential services.

**Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Complaints from customers	2(the proposals are felt to be reasonable, but people adversely affected may object to them)	2 Increase customer complaints	All Council Tax bills, Housing Benefit letters and the Revenues/Benefit website already advise customers of the potential to receive a penalty in certain circumstances  This policy will be well advertised before coming into force
Higher appeals	1 Customers may appeal penalty notice	1 More Manager resource in dealing with complaints	Explicit policy detailing when penalty will be applied  Manager level decision  Reports from other Essex LA show very low or no response from application of penalties
Collection of penalty	1 Resistance in payment	1 resulting in higher levels of recovery action	The penalty will in the case of Council Tax be collected in instalments with the Council Tax liability and in Housing Benefit from deductions from ongoing benefit.  No significant increase in resources will therefore be necessary

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

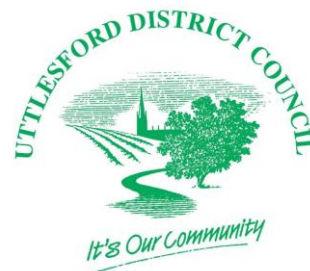


# Revenues & Benefits Service

## Council Tax and Housing Benefit Civil Penalties Policy

(Failure to Notify or Supply Information)

**Prepared by: Sue Ellis**  
**Revenues and Benefits Service**  
**Uttlesford District Council**  
**July 2015**



# CONTENTS

Part	1	Introduction
Part	2	Council Tax penalties
Part	3	Housing Benefit penalties
Part	4	Appeals
Part	5	Exceptions
Part	6	Application of the penalty

## **Part 1 Introduction**

- 1.1 Failure to notify a change of circumstances or provide information for Council Tax billing or Housing Benefit purposes is an offence. The offence is committed if the customer fails to notify us of a change affecting their liability to pay Council Tax within 21 days of the change occurring or if they fail to notify us of a change affecting their entitlement to Housing Benefit within one calendar month.
- 1.2 For practical purposes the Council will not impose a penalty if the customer notifies us, or provides the requested information, within one calendar month for both Housing Benefit and Council Tax. Please note there is currently no penalty scheme for Business Rates.
- 1.3 During the first year of operation the additional penalty should only be imposed after discussion and approval from either the Revenues or the Benefits Manager.

## **Part 2 Council Tax penalties**

- 2.1 The law allows Councils to impose a £70 penalty to any person who;
  - a) fails to notify the council that an exemption on a dwelling should have ended
  - b) fails to notify the council that a discount (including single person discount and Local Council Tax Support) should have ended
  - c) fails to notify the council of a change of address or fails to notify the council of a change in the liable party
  - d) fails to provide information requested to indentify liability
  - e) fails to provide information requested after a liability order has been obtained
- 2.2 Where a penalty has already been imposed on their Council Tax and a further request to supply the same information is made, a further penalty of £280 may be imposed for each subsequent failure, provided
  - the information is in the debtor's possession.
  - the authority requests him to supply it.
  - it falls within a prescribed description of information.

An example of when a further penalty may apply would be a large landlord or Estate Agent who continually fails to tell us about a new tenant moving in to their property.

### **Part 3 Housing Benefit (Council Tax Benefit) penalties**

- 3.1 A Civil Penalty can be imposed on Customers who receive an overpayment of Housing Benefit (or Council Tax Benefit) caused by either;
- Negligently making incorrect statements, or
  - Fails without reasonable excuse to provide information or disclose changes in their circumstances
- 3.2 A civil penalty of £50 can be added to the amount of an overpayment of benefit if the overpayment (after underlying entitlement) is more than £65 and where the claimant is viewed as being at fault. For the purposes of this policy a penalty will be considered if the overpayment is more than £100
- 3.3 A civil penalty cannot be applied where the claimant has, in respect of the overpayment, been charged with an offence, been cautioned or been subject to a penalty as an alternative to prosecution under section 115A of the Social Security Administration Act 1992. (Fraud cases)
- 3.4 A penalty applies to overpayments wholly arising **on or after 1 October 2012**. Where there has been an overpayment of Housing benefit of more than £100 (after underlying entitlement)

### **Part 4 Appeals**

- 4.1 If a customer disagrees with the imposition of a Council Tax penalty they may discuss it with the Council. They do however have the right to appeal directly to the Valuation Tribunal. They have two months in which to appeal after a penalty is imposed. If a penalty is imposed, we must advise the customer why we have imposed a penalty and provide them with information about how to appeal and the date by which any appeal should be made. If the taxpayer appeals, recovery of the penalty should be suspended until the appeal is decided.
- 4.2 Housing Benefit penalties may be appealed in the same way as any benefit decision, and with the same times scales as the Housing or Council Tax benefit appeal, with appeals being dealt with by the reconsideration process or the Tribunal Service.

### **Part 5 Exceptions**

- 5.1 It is the Council's policy to exclude taxpayers with mitigating family/personal reasons e.g. death or illness, from the imposition of penalties
- 5.2 Council Tax payers or benefit recipients who are severely mentally- impaired are also excluded from the penalty scheme.



5.4 Exclusion from a penalty should also be considered in cases where:

The customer or their partner:-

- has a significant degree of physical or mental infirmity, such as a terminal illness, severe clinical depression, hearing/sight/speech problems, learning difficulties or frailty due to old age.
- has made a voluntary disclosure of the alleged offence before the Council had any suspicions regarding the validity of their entitlement to a Council Tax discount or exemption, Local Council Tax Support Reduction Scheme or their Housing Benefit entitlement
- Could be dealt with more effectively without redress to a penalty, for example due to age or immaturity, although youth in itself is not a good enough reason not to instigate proceedings.

All identified exceptional cases should be passed to the Benefit Manager or the Revenues Manager for a decision to be made.

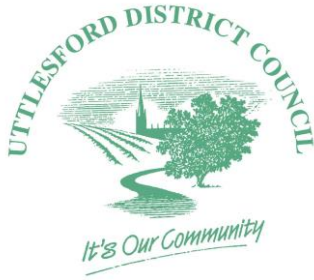
## **Part 6 - Application of the penalty.**

- 6.1 The Council Tax bill clearly shows that we have awarded discounts, exemptions and or Local Council Tax Support. It makes clear that the taxpayer must tell us straight away about any change in their circumstances that could affect their bill or a penalty could be imposed.
- 6.2 The Benefit decision letter also clearly states that failure to advise the Council of changes in circumstance that may affect their entitlement to Housing Benefit may result in an overpayment and the imposition of a penalty.
- 6.3 A Council Tax penalty will be collected by applying the penalty to the Council Tax account for collection via the normal billing process.
- 6.4 A Housing Benefit Penalty will be applied to the claim by a manual adjustment and recovered from ongoing benefit. A manual adjustment sheet will be completed and approved by the Benefit Manager.
- 6.5 A letter must be sent in all cases advising of the application of the penalty and the reason.
- 6.6 Where the penalty relates to an overpayment no penalty will be applied until one month after the notice of the overpayment has been issued. This is because the overpayment may fall below the £65 threshold when underlying entitlement has been applied.

## **Relevant Legislation**

*Schedule 3 of the Local Government Finance Act 1992*

*Regulation 12 & 13 of the Council Tax reduction schemes (Detection of Fraud and Enforcement)(England) 2013*



# Uttlesford District Council

## Fast-track equality impact assessment (EqIA) tool

### What is this tool for?


This tool will help you to assess the impact of existing or new strategies, policies, projects, contracts or decisions on residents and staff. It will help you to deliver excellent services, by making sure that they reflect the needs of all members of the community and workforce.

### What should be equality impact assessed?

You only need to equality impact assess strategies, policies, projects, contracts or decisions that are **relevant** to equality. If you are not sure whether your activity is relevant to equality take the 'relevance test' on Page 9.


### How do I use the tool?

This tool is easy to use and you do not need expert knowledge to complete it. It asks you to make judgments based on evidence.

The tool uses a system of red flags  to give you an indication of whether or not your responses are identifying potential issues. Getting a red flag does not necessarily indicate a problem, but it does mean that your assessment is highlighting issues or gaps in data that may require further investigation or action.

*If there is insufficient space to answer a question, please use a separate sheet.*

General information		
1	Name of strategy, policy, project, contract or decision.	Council Tax and Housing Benefit Civil Penalties Policy
2	What is the overall purpose of the strategy, policy, project, contract or decision?	To promote the prompt notification by occupiers / claimants of changes in circumstances
3	Who may be affected by the strategy, policy, project, contract or decision?	<input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Staff <input type="checkbox"/> A specific client group/s e.g. linked by geographical location, social economic factors, age, disabilities, gender, transgender, race, religion or sexual orientation (please state)
4	Responsible department and Head of Division.	Department: Revenues services Head of Division: Angela Knight
5	Are other departments or partners involved in delivery of the strategy, policy, project, contract or decision?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes:
Gathering performance data		
6	Do you (or do you intend to) collect this monitoring data in relation to any of the following <u>diverse groups</u> ?	<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Sex <input type="checkbox"/> Race <input type="checkbox"/> Gender Reassignment <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion & Belief <input type="checkbox"/> Pregnancy and Maternity <input type="checkbox"/> Marriage and Civil Partnerships <input type="checkbox"/> Rural Isolation

7	How do you (or how do you intend to) monitor the impact of the strategy, policy, project, contract or decision?	<input type="checkbox"/> Performance indicators or targets <input type="checkbox"/> User satisfaction <input checked="" type="checkbox"/> Uptake <input type="checkbox"/> Consultation or involvement <input type="checkbox"/> Workforce monitoring data <input checked="" type="checkbox"/> Complaints <input type="checkbox"/> External verification <input type="checkbox"/> Eligibility criteria <input type="checkbox"/> Other (please state): <input type="checkbox"/> None 
---	---	---

**Analysing performance data**

8	<p>Consider the impact the strategy, policy, project, contract or decision has already achieved, measured by the monitoring data you collect. Is the same impact being achieved for diverse groups as is being achieved across the population or workforce as a whole?</p>	<table style="width: 100%;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Yes *</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>No*</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Insufficient </td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Not applicable </td> </tr> </table>	<input type="checkbox"/>	Yes *	<input type="checkbox"/>	No*	<input type="checkbox"/>	Insufficient	<input checked="" type="checkbox"/>	Not applicable
<input type="checkbox"/>	Yes *									
<input type="checkbox"/>	No*									
<input type="checkbox"/>	Insufficient									
<input checked="" type="checkbox"/>	Not applicable									

9	<p>Is uptake of any services, benefits or opportunities associated with the strategy, policy, project, contract or decision generally representative of <u>diverse groups</u>?</p>	<table style="width: 100%;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Yes *</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>No*</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Insufficient </td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Not applicable </td> </tr> </table>	<input type="checkbox"/>	Yes *	<input type="checkbox"/>	No*	<input type="checkbox"/>	Insufficient	<input checked="" type="checkbox"/>	Not applicable
<input type="checkbox"/>	Yes *									
<input type="checkbox"/>	No*									
<input type="checkbox"/>	Insufficient									
<input checked="" type="checkbox"/>	Not applicable									

**Checking delivery arrangements**


10	<p>You now need to check the accessibility of your delivery arrangements against the requirements below. Click on the hyperlinks for more detailed guidance about the minimum criteria you should meet.</p> <p><i>If assessing a proposed strategy, policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.</i></p>																	
		<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;"></th> <th style="width: 33%; text-align: center;">Yes</th> <th style="width: 33%; text-align: center;">No </th> <th style="width: 33%; text-align: center;">N/A</th> </tr> </thead> <tbody> <tr> <td>The <a href="#">premises</a> for delivery are accessible to all.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><a href="#">Consultation</a> mechanisms are inclusive of all.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><a href="#">Participation</a> mechanisms are inclusive of all.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>		Yes	No	N/A	The <a href="#">premises</a> for delivery are accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">Consultation</a> mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">Participation</a> mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A															
The <a href="#">premises</a> for delivery are accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
<a href="#">Consultation</a> mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
<a href="#">Participation</a> mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															

If you answered 'No' to any of the questions above please explain why giving details of any legal justification.

### Checking information and communication arrangements

11 You now need to check the accessibility of your information and communication arrangements against the requirements below. Click on the hyperlink for more detailed guidance about the minimum criteria you should meet.

*If assessing a proposed strategy policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.*



	Yes	No 	N/A
<a href="#">Customer contact</a> mechanisms are accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic, web-based and paper information is accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicity campaigns are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Images and text in documentation are representative and inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you answered 'No' to any of the questions above please explain why, giving details of any legal justification.

### Future Impact

12 Think about what your strategy, policy, project, contract or decision is aiming to achieve over the long term and the ways in which it will seek to do this. This is your opportunity to take a step back and consider the practical implementation of your strategy, policy, project, contract or decision in the future. As well as checking that people from diverse groups will not be inadvertently excluded from or disadvantaged by any proposed activities, it is also an opportunity to think about how you can maximize your impact, reach as many people as possible and really make a difference to the lives of everyone in Uttlesford regardless of their background or circumstances.

Is it likely to inadvertently exclude or disadvantage any diverse groups?

- No
- Yes \* 
- Insufficient evidence 

\*Please state any potential issues Identified.

**Improvement actions**

13	If your assessment has highlighted any potential issues or red flags, can these be easily addressed?	<input type="checkbox"/> Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/> Not applicable	<p><i>*If Yes, please describe your proposed action/s, intended impact, monitoring arrangements implementation date and lead officer:</i></p>
----	--	--	---

**Making a judgement – conclusions and next steps**

14	Following this fast-track assessment, please confirm the following:		
	<input checked="" type="checkbox"/> There are no inequalities identified that cannot be easily addressed or legally justified		No further action required. Complete this form and implement any actions you identified in Q13 above
	<input type="checkbox"/> There is insufficient evidence to make a robust judgement.		Additional evidence gathering required (go to Q17 on Page 7 below).
	<input type="checkbox"/> Inequalities have been identified which cannot be easily addressed.		Action planning required (go to Q18 on Page 8 below).

15	If you have any additional comments to make, please include here.	<input type="checkbox"/> None
----	---	-------------------------------

**Completion**

16	Name and job title (Assessment lead officer)	Adrian Webb
	Name/s of any assisting officers and people consulted during assessment:	
	Date:	13 July 2015
	Date of next review:	July 2016



*For **new** strategies, policies, projects, contracts or decisions this should be one year from implementation.*

**When completed, a copy of this form should be saved with the strategy, policy, project, contract or decision's file for audit purposes and in case it is requested under the Freedom of Information Act.**

### **Additional evidence gathering and action planning**

- 17 If your fast-track assessment indicated that **complex issues** or **inequalities** were identified which could not be easily addressed, or you had **insufficient evidence** to make a judgement, you need to undertake an additional evidence gathering and action planning process. This is described below:
- (a) Gather and analyse relevant additional evidence (which may include engagement with diverse groups), to address gaps in your knowledge, enhance understanding of the issues and inform options for addressing these. Additional evidence is likely to include any or all of the following:
- Data gathering**
- Demographic profiles of Uttlesford
  - Data about the physical environment, e.g. housing market, workforce, employment, education and learning provision, transport, spatial planning and public spaces
  - Results of local needs analysis
  - Results of staff surveys
  - Research reports on the needs/experience of diverse groups
  - National best practice/guidance
  - Benchmarking with other organisations
- Consultation and involvement**
- Existing consultation findings that may provide insight into the issues
  - New, specially commissioned engagement with diverse groups
  - Expert views of stakeholders/employers organisations representing diverse groups
  - Advice from experts or national organisations
  - Specialist staff/in-house expertise.
- (b) For advice on evidence gathering or engagement with diverse groups please contact your departmental equality lead officer. Discuss any proposed consultation with your departmental equality lead officer to ensure it is coordinated with related exercises across the Council as a whole.
- (c) Use your evidence gathering, analysis and engagement with diverse groups to develop options for addressing inequalities or unmet need, consulting with relevant management teams, Members, strategic groups/partners where necessary to confirm proposed actions and resource issues.

	<p>(d) When options for addressing any issues are agreed, if these cannot be implemented immediately integrate them into the appropriate service plan/strategic plan/multi-agency strategy, so that it is clear how they will be delivered, when they will be delivered, by whom and how this will be monitored.</p> <p>(e) Identify how the continuing implementation and impact of the strategy, policy, project, contract or decision on diverse groups in Uttlesford will be monitored.</p> <p>(f) Having gathered evidence re-evaluate this assessment.</p> <p>(g) Following completion of the above, please confirm the following:</p>	
18	<b>The conclusions and agreed proposals:</b>	
	<b>Summary of evidence gathered, including any internal and external consultation (please include full document titles and dates of publication and consultation for audit purposes):</b>	
	<b>Date proposals to be implemented and lead officer:</b>	
	<b>Where implementation is not immediate, please state in which service plan or strategy the proposed actions will be integrated:</b>	
	<b>Monitor arrangements (please include full details for audit purposes):</b>	
<b>Additional Comments</b>		
19	<b>If you have any additional comments to make, please include here:</b>	<input type="checkbox"/> None
<b>Completion</b>		
20	<b>Name and job title (Lead Officer):</b>	Adrian Webb
	Name/s of other assisting officers:	Sue Ellis
	Date:	13 July 2015
	Date of next review (if any):	July 2016
When completed, a copy of this form should be saved with the strategy, policy, project, contract or decision's file for audit purposes and in case it is requested under the Freedom of Information Act.		

**Committee:** Cabinet

**Agenda Item**

**Date:** 23 July 2015

**13**

**Title:** Assets of Community Value

**Portfolio Holder:** Cllr Barker

Key decision: **No**

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## Summary

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. Officers have requested submission from Parish and Town Councils and this report reports the most recent response.

## Recommendations

3. To agree to include the following on the Assets of Community Value list:
  - Three Willows Public House, Birchanger
  - Birchanger Social Club and Field
  - Birchanger Village Sign

## Financial Implications

4. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
5. There is also an unquantifiable financial risk to the Council. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council's budget.

## Background Papers

6. Submissions for consideration as Assets of Community Value

## Impact

- 7.

Communication/Consultation	Notice to the owner is required.
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Community Safety	No impact.
Equalities	The duty will effect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	No impact.
Ward-specific impacts	Stansted South and Birchanger
Workforce/Workplace	Work will be coordinated within the Planning and Housing Policy, Land Charges and Legal Teams.

## Situation

8. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
9. Section 87 states as follows *"s. 87 of the Act requires local authorities to maintain a list of land and buildings in their areas which are of community value. Entry of an asset on the list lasts for 5 years although it may be able to be removed earlier in certain circumstances which may be specified in secondary legislation. Subject to the Act and any regulations made under it the form of the list is in the local authority's discretion."*
10. An Asset is of community value if (in the opinion of the local authority) either:
  - The current use furthers the social wellbeing or interests of the local community; and
  - it is realistic to think that at some time in the next five years the Asset will further the social wellbeing or social interests of the community or
  - there was a time in the recent past when a use of building or land had furthered the social wellbeing or interests of the community; and
  - it is realistic to think that in the next five years the building/land could further the social wellbeing or interests of the community.
11. Although it is for the local authority to determine whether an Asset falls within the criteria to be included in the list s. 89 provides that Assets may only be included in the list in response to a community nomination (a parish council or a voluntary or community body with a local connection) or in circumstances contained in secondary legislation. In addition to the List of Assets of Community Value the council must also maintain a list of land which has been the subject of unsuccessful community nominations.

12. The Act defines social interest as: cultural interest, recreation interest and sporting interests which is a fairly wide definition.

## **Assessment**

### Three Willows Public House

13. Birchanger Parish Council has submitted a request to the Council to consider the listing of the Three Willows Public House. This is the only public house in the village and is well used by residents. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list.'

### Birchanger Social Club and Field

14. Birchanger Parish Council has submitted a request to the Council to consider the listing of the Birchanger Social Club and Field. The club is an important meeting place for residents to meet. There are a number of events that take place, including sporting activities and live music. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.

### Birchanger Village Sign

15. Birchanger Parish Council has submitted a request to the Council to consider the listing of the Village Sign. The sign was funded by the Open Gardens Committee and the Parish Council feels that it gives greater profile and identity to the village. It also demonstrates the historic importance. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.
16. The Council has not received any representations regarding any of the above proposed assets of community value.
17. In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable steps to give information that it is considering listing the land to the relevant Parish Council, owner of the land, freeholder and occupant. This has taken the form of letters and site notices.

## **Conclusion**

1. The Council has received a valid request for consideration and the recommendation is set out in paragraph 3.

## **Risk Analysis**

- 2.

Risk	Likelihood	Impact	Mitigating actions
Compensation may be payable if the value of the Asset declines from the time of notification to the Council to final sale.	3 – Fluctuations in property value are common and unpredictable.	3 – Unquantifiable as this will depend on the number of Assets included on the List, the number which come up for sale, the amount of community interest in purchasing the Asset and any fluctuation in property value.	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.