

UTT/14/3819/FUL (CHRISHALL)

(Referred to Committee at the discretion of Development Manager)

PROPOSAL:	Erection of 5 (No.) proposed dwellings with garages, home offices and access roadway
LOCATION:	Hillside Farm, Mill Causeway, Chrishall
APPLICANT:	Mr & Mrs H Smart
AGENT:	Pelham Structures Ltd
EXPIRY DATE:	18 February 2015
CASE OFFICER:	Clive Theobald

1. NOTATION

- 1.1 Outside development limits.

2. DESCRIPTION OF SITE

- 2.1 The site is situated to the north of Chrishall village on the southern side of Mill Causeway having its western boundary onto Abrams Lane and comprises a former poultry farm (Hillside Farm) with a site area of 2.3 ha. The site is enclosed to all boundaries by dense tree screening and banking, although has an open floor interior roughly square in shape of levelled cleared ground representing the apron of former poultry buildings. Vehicular access to the site is gained via Mill Causeway. Two pairs of semi-detached dwellings adjoin the site on its north-west side at the junction of Mill Causeway with Abrams Lane, whilst a further dwelling exists further down Abrams Lane on the south side of the site. A replacement dwelling adjoins the site on its north-east side fronting onto Mill Causeway (Hillside House). Arable land exists to the north and east of the site.

3. PROPOSAL

- 3.1 This full application relates to the erection of 5 (No.) detached two storey “carbon neutral” dwellings with garages, home offices and newly aligned access road onto Mill Causeway and represents a revised housing scheme submitted for this site in 2014. It should be noted that reference was made by the Council on the current planning application description to a gatehouse, although it is the case that a gatehouse does not in fact show for the application proposal where this detail was shown by the applicant for the previous application and since omitted for the current scheme. The breakdown of dwelling types is as follows:

Plots 1 & 2 - Identical 3 bedroomed dwellings (113 sqm) of tiled and rendered appearance described as “Farm Cottages”;

Plot 3 – 3 bedroomed dwelling (232 sqm) of tiled, brick and flint appearance described as a “Granary Dwelling”;

Plot 4 – 3 bedroomed dwelling (283 sqm) of tiled and stained/painted black weather-boarded appearance described as a “Barn Dwelling”;

Plot 5: 4 bedroomed dwelling (floorspace not given) of tiled/slate and painted render appearance described as a “Farm House dwelling”.

3.2 Parking for the dwellings for Plots 1 and 2 would be in the form of 2 x 2 No. open hardstanding spaces, parking for the dwelling for Plot 3 would be in the form of a detached tiled and weatherboarded triple bay cart lodge, whilst parking for the dwellings for Plots 4 and 5 would be in the form of a combined and handed tiled and weatherboarded garage and cart lodge block (4 No. spaces each). The homeworking offices proposed would take the form of 2 No. detached tiled and weatherboarded units positioned to rear of, and to serve the dwellings for Plots 1 and 2 and 2 No. units positioned within the centre of the aforementioned garage/cart lodge block to serve Plots 4 and 5. No homeworking office is shown for the dwelling for Plot 3. All of the dwellings would have generous site curtilages considerably in excess of 100 sqm.

4. APPLICANT'S CASE

4.1 The application is accompanied by the following main documents:

- Supporting Letter (May 2014)
- Marketing Statement prepared by Cheffins (Jan 2014)
- Sustainability Statement (Apr 2014)
- Renewable Energy Statement (April 2014 – University of Nottingham)
- Transport Statement
- Ecology Survey Reports

4.2 The case is made generally that the proposal represents a highly sustainable form of residential development at this edge of village location where the proposed eco dwellings would be of an exceptionally high energy efficiency level (Code Level 6/ Passivehaus) with zero carbon emissions and where commercial marketing for the site has shown very few genuine enquiries for the re-introduction of commercial activity given the site's relatively remote location, closeness to residential properties and lack of flexibility on the Council's part to encourage alternative commercial uses.

4.3 The accompanying supporting letter states that *"The proposal if successful would result in the development of a very traditional "farmyard/small country estate" style development, whilst also being the most energy efficient and sustainable houses yet built within the district and possibly the country"*. The letter goes on to say that the developer has volunteered a legal arrangement in favour of the Parish Council which would give them significant control should any further application be made for a number of dwellings greater than the five proposed by the current application.

4.4 The sustainability statement concludes that *"The project will demonstrate that sustainable houses can be attractive, financially viable and desirable and that technology to do so is available now...More fundamentally, carbon neutral houses need to become the recognised standard sooner rather than later and any schemes that assist this should be actively encouraged"*.

5. RELEVANT SITE HISTORY

5.1 Change of use from poultry farm to timber storage and treatment business, including landscaping measures at Hillside Farm approved in 2002 (UTT/0196/02/FUL) when it was considered that the level of intrusion into the countryside through the introduction of the new commercial use would be significantly less than the existing poultry farm operations. Erection of storage buildings/office building (reserved matters) withdrawn in 2005. Outline permission for erection of 6 No. dwellings withdrawn in 2010 after it was considered by Officers that the proposal would have been unacceptable on rural policy,

ecology and design grounds (UTT/0558/10/OP). Detailed planning permission refused in July 2014 for the erection of 5 (No). dwellings with garages, gatehouse, home offices and access roadway for the following stated reasons (UTT/14/1442/FUL):

- 1 The proposal would amount to a form of unsustainable development at this rural location outside development limits where it would fail to meet all of the sustainability requirements of the NPPF. Furthermore, the applicant has not demonstrated that the development needs to take place at the site and the proposal would therefore be contrary to the countryside protection aims of ULP Policy S7 of the Uttlesford Local Plan (adopted 2005), which states that the countryside will be protected for its own sake.
- 2 ULP Policy H10 of the Uttlesford Local Plan (adopted 2005) states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The proposal would fail to meet this policy by reason of the high level of specification provided for the proposed dwellings, which would not provide affordable market housing for the local community.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy H1 – Housing Development
- Policy H10 – Housing Mix
- Policy ENV14 – Contaminated Land
- GEN1 – Access
- GEN2 – Design
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

7.1 Object on the following principal grounds:

- Site located outside village development limits
- Development would result in an urbanisation of the site's rural setting
- The proposed scheme is not an "exceptional development" where the sustainable build credentials should not be regarded as representing a rural policy exception
- The question of the site's planning status continues to require clarification (agricultural or brownfield?)
- Proposal unsustainable in terms of impact on environment, social cohesion and local economy
- Lack of local infrastructure and services to support proposed development
- Significant lack of public transport with existing bus services etc. under review due to high cost of provision
- Future occupants of the dwellings would be socially isolated from the village centre as there is no safe walking or cycling route and would be completely reliant on private transport.

- Style, design and mix of the dwellings, whilst appearing to be smaller than those proposed for refused application UTT/14/1442/FUL are still inappropriate for the site's location and would not be conducive to achieving social integration between future residents and the wider local community
- Development does not provide for low cost affordable or low cost market homes which may bring benefit to the wider local community
- Proposal would set a precedent for similar developments on other agricultural land locally
- Abrams Lane has suffered from local flooding issues
- The energy efficiency measures proposed are not enforceable, nor is there a requirement in planning law for carbon neutrality
- No enforceable guarantees that only five properties would be built should planning permission be granted
- Landscape provision cannot guarantee the long term shielding of the site as existing boundary vegetation could be removed

7.2 The Parish Council also claims that the previously implemented groundworks at the site in association with the 2002 approved timber storage and processing use following the demise of the poultry farm should not be regarded as constituting a lawful commencement of that approved use and therefore treated as a "fall-back position" for the proposed change of use of the site to residential as now proposed where the site has not been actively used for any purpose for the last twelve years.

8. CONSULTATIONS

Natural England

- 8.1 Statutory nature conservation sites – No objection.
Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
Protected species – We have not assessed this application and associated documents for impacts on protected species.

Essex County Council Highways

- 8.2 The impact of the proposal as shown in principle on Drawing No. 306/20e is acceptable to the Highway Authority from a highway and transportation perspective subject to appropriate highway conditions.

Essex County Council Ecology

- 8.3 No objections. I note the results of the Protected Species Survey (April 2014) and the negative results of the reptile survey (April 2014). I also note that the proposed masterplan has retained the continuous tree belt enclosing the site and this is welcomed.

Environmental Health

- 8.4 The site has the potential to be contaminated due its former uses as a poultry farm and for timber treatment. The Site Waste Management Plan identifies the subsoil as hazardous and then goes on to say it will be re-used on site. Any potentially contaminated material re-used in soft landscaped areas must be certified as clean. As advised on the previous application UTT/14/1442/FUL, a Phase 1 contamination assessment is required as per the Essex Technical Guidance. Please provide a copy

of this to the applicant. The application refers to a Package Sewage Treatment Plant (PSP). This must be appropriately sized for the number of occupiers. The applicant is advised to consult the Environment Agency regarding any effluent discharge permit required. The exceptionally high energy efficiency of the proposed dwellings is welcomed. However, air source heat pumps have the potential to cause noise disturbance and no indication is given as to where these would be located. The following condition is recommended:

“Any heat pumps installed must meet the MCS planning standard with respect to noise. Reason: to protect the amenity of nearby properties and residents of the development”.

Access & Equalities

- 8.5 A review of the layout and design of the proposed dwellings and the submitted Lifetime Homes Statement shows compliance with the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

- 9.1 4 representations received. Notification period expired 27 January 2015. Site notice expired 5 February 2015.

All four representations received object to the proposed development. A summary of the objections are as follows:

- The site still has agricultural status and is not brownfield land
- Unsustainable location
- Speculative development to obtain an “in principle” decision for housing on the site
- Existing “link” road to the centre of the village (Abrams Lane) is narrow without footpaths and would be dangerous for children from the development to walk along to get to the already oversubscribed village school
- Increased traffic
- Loss of privacy
- The inclusion of “home offices” is a concern. What does this mean?

10. APPRAISAL

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

- A Principle of development (NPPF, ULP Policies S7 and H1);
- B Design / Housing mix (ULP Policies GEN2 and H10);
- C Whether the development would be harmful to protected species (ULP Policy GEN7);
- D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);
- E Impact on residential amenity (ULP Policy GEN2);
- F Pollution risk (ULP Policy ENV14).

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

- 10.1 It has been previously accepted by Council Officers that the 2002 planning permission for the change of use of the former poultry farm to a timber yard at this rural location granted under UTT/0196/02/FUL has been lawfully implemented in view of the carrying out of access improvement works, landscaping and drainage works in association with that approved change of use. Given this previous position where it is understood that

there have been no material changes occurring at the site since the 2002 permission, Council Officers are of the further view that the timber storage buildings shown for that approved development could still be lawfully erected and that once operational the site could thereafter be classified as “light industrial” as a change from its former agricultural use. Notwithstanding this, it is the Council’s view that the site cannot be classed as brownfield land, firstly as a poultry farm is not classified as a brownfield use by definition (agricultural) and secondly as the extant timber storage commercial use has not commenced. Therefore, any argument that it would be beneficial in this context for residential use to take place at the site rather than a commercial use is a spurious one where it was considered by the Council (and also the Parish Council) at the time of the 2002 planning application for the timber storage use that this would be an appropriate form of commercial activity at this rural location and where it was subsequently the personal circumstances of the applicant who decided to relocate the timber business elsewhere which meant that the use has never commenced at the site.

- 10.2 The applicant’s marketing report carried out by Cheffins dated January 2014, albeit that this has not been updated for the current application, states that the marketing of the site for alternative commercial uses from 2008 onwards where the approved timber business use had become surplus to applicant requirements has proved unsuccessful to date and where it is stated in the report that:

“In six years, very few genuine enquiries from commercial users have been received and no offers have been made. The land is in a relatively remote location and is close to housing. It is therefore not well suited for modern business use. Those parties which have expressed an interest in commercial uses here have been put off by the restrictive planning permission and the seemingly inflexibility of the local authority for alternative commercial uses. I would consider a well-designed, high quality residential development to be a much more suitable form of development on this site”.

- 10.3 Cheffins have stated in their report that during the six years of marketing the site that it has received numerous enquiries from third parties wishing to seek residential development of the site where only two stated commercial enquiries were received during this period, namely by a mobility company looking for a warehousing and office building and by a local scientific company looking for production floorspace and offices. Marketing has been carried out of the site for commercial use by a variety of marketing methods which are accepted by the Council where it is noted that a Cheffins advertising board still remains displayed outside the site. It is considered from this level of marketing that commercial re-use of the site is unlikely to take place in the foreseeable future.

- 10.4 It will be seen from the above that there is a high probability that the site will remain vacant in its current state and condition unless an appropriate rural use, including acceptable B1 activity can be made of the site. Whilst this is possible, the chances of this occurring are considered unlikely if the marketing report by Cheffins is to be relied upon and where it is argued that an intensive poultry farm were this, say, to be re-introduced at the site is not in itself a particularly neighbourly activity where dwellings exist along the road frontage and along Abrams Lane. However, whilst recognising that the site will have a land value currently either as agricultural status or as an uplift value with the benefit of an extant commercial consent, the betterment in land value which clearly would be achieved through its development for residential use has to be weighed against the overall sustainability of such development and whether this would be sustainable and/or cause rural harm at this location.

- 10.5 ULP Policy S7 of the adopted local plan states that the countryside will be protected for its own sake and that planning permission will only be given for development that

needs to take place there, or is appropriate to a rural area, adding that this would include housing infilling in accordance with para 6.13 of the Housing Chapter of the Plan. As such, there will be strict control on new building. The policy goes on to say that development will only be permitted if its appearance “protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form needs to be there. Whilst the comments made by the applicant that the site is now for all intents and purposes redundant having been offered for sale for several years and that the site’s re-use for housing would in a small way reduce the need to take out productive agricultural land elsewhere to satisfy the housing need for the district, the proposal would not constitute natural housing infilling appropriate to a rural area, whilst a sufficiently cogent argument has not been put forward by the applicant to demonstrate why the proposal *needs* to take place at the site. As such, the proposal would be contrary to the countryside protection aims of ULP Policy S7, which as a local plan policy has been considered in the Ann Skippers Planning report to be partly consistent with the NPPF and is seen more as a restrictive policy rather than an enabling one.

10.6 The NPPF has a presumption in favour of sustainable development where it states at para 14 that LPA’s should be seen to *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole; or specific policies in this framework indicate development should be restricted”*. Paras 6-7 of the framework state that there are three dimensions to sustainable development, namely economic, social and environmental where para 8 states that *“These roles should not be undertaken in isolation because they are mutually dependent... Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*.

10.7 In terms of the presented scheme when assessed against the framework as a whole, it is acknowledged that:

- The site does not represent land in active agricultural use where the proposed development would make more efficient use of it given the length of time the site has remained vacant;
- The development seeks to secure high quality design and a good standard of residential amenity and also seeks by its layout to establish a strong sense of place by responding to local character;
- The development supports the transition to a low carbon future through sustainable construction and use of electric cars;
- The development seeks to promote homeworking opportunities.

10.8 However, as previously mentioned, the site lies outside development limits for Chrishall at the northern end of the parish where it is physically separated by farmland from the central nucleus of the village. In terms of assessment against the environmental strand of the NPPF, the site is enclosed and heavily screened along all of its boundaries by perimeter banking and a planted and now maturing tree belt resulting from the landscaping works carried out under the 2002 permission for commercial use which means that views into the site from both Mill Causeway and Abrams Lane are limited and where the site interior is only readily appreciable from the site entrance itself. However, ULP Policy S7 seeks to protect the countryside for its own sake and the proposal would therefore be contrary to this policy.

- 10.9 In terms of assessment against the social strand of the NPPF, the proposed development has to be considered in the context of its physical location and the range of local services that Chrishall village offers and whether the proposal would support these. The site is situated approximately 1 mile north of the village centre and is therefore not considered to be within convenient walking distance of the village centre, albeit that this is achievable by walking along Abrams Lane. Vehicular access to the site would be maintained via Mill Causeway, although the revised application now includes a footpath link onto Abrams Lane from the rear of the development where this link was not shown for the previous application. However, Abrams Lane is a country lane which is not lit and does not have any public footpaths and it is considered that this lane is not a safe pedestrian linking route to the village centre as it would be potentially hazardous by users.
- 10.10 Furthermore, Chrishall is poorly served by public transport where it is stated by the Parish Council that the village currently only has one village bus service a day where this has had to be saved and that the Bishops Stortford bus service is poor. Therefore, it is highly likely that future residents of the site development would be mostly dependent upon the motor car for trips to the village and further afield. This position appears to have been recognised by the applicant where it is proposed that electric cars would be made a compulsory requirement of any purchase of the dwellings on the development where this would be written into purchase contracts where the case is strongly made that this initiative would result in carbon free private transport. Such transport innovation is encouraged by the NPPF to promote carbon free travel. Whilst this measure has been offered by the applicant on other planning applications which have been considered by this Council, there is no way in which it is considered that this resident requirement could be enforced in planning law by way of an enforceable planning condition or indeed even if this could be realistically enforced by way of private contractual arrangement thereafter.
- 10.11 The lack of physical connectivity of the site from the village centre and reliance on private transport is therefore likely to lead to the proposed development having a lack of social connectivity and integration with the remainder of the village. Whilst Chrishall offers a range of local services, including a primary school, village hall and a public house, it does not have a shop, post office or any other retail outlet. It therefore argued that the village is unlikely to substantially benefit from the proposed development in any measurable or meaningful way where the Parish Council have stated that the primary school is already oversubscribed. The proposal would promote homeworking by the inclusion of homeworking “hubs”, which the NPPF also encourages to promote sustainable development. However, there is no guarantee that this facility would be taken up by future occupants of the dwellings. In the circumstances, the proposal would amount to an unsustainable form of development when viewed against the definition set out within the Framework and when assessed against the framework as a whole and would be contrary to the provisions of the NPPF and ULP Policy GEN1 where it should be noted that a new dwelling proposal at Longview, Mill Causeway within close proximity of the site was refused as being an unsustainable form of development when viewed against the definition set out within the Framework (APP/C1570/A/14/2223003). As such, the presumption in favour of sustainable development as set out in the Framework does not apply to the proposal.

B Design / Housing mix / (ULP Policies GEN2 and H10).

- 10.12 The scheme as put forward contains a mix of housing types where the submitted layout drawing and perspective show how the proposed scheme seeks to create a traditional housing concept, if not rural idyll, through the use of a range of vernacular building form at very low site density. Whilst no objections are raised to the design of the dwellings

per se, the proposed scheme would contain either 3 or 4 bedroomed detached market dwellings of high specification where ULP Policy H10 states that all developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. Whilst it is noted that the revised scheme as submitted now has the inclusion of the “smaller” and identical so called “Farm Cottages” for Plots 1 and 2 and dispenses with a previously shown Georgian style manor house of substantial proportions for Plot 3 for the previously submitted five dwelling scheme for this site where this plot dwelling is now shown as a “Barn Style Dwelling” in Essex barn vernacular, it is considered that none of these house types would represent low cost or affordable market homes which may bring housing benefit to the local community where Members will be aware that the government has removed the requirement for affordable housing financial contributions on sites of ten dwellings or less.

C Whether the development would be harmful to priority/protected species (ULP Policy GEN7).

10.13 The interior of the site comprises a flat surface with perimeter banking above up to a tree line. The application is accompanied by a protected species survey report and also a supplementary reptile survey report, both of which have concluded that protected species are not present at the site where the reptile survey report adds that the likelihood of the site being a reptile habitat is minimal. Given these findings, it is considered that the proposed development would not have a harmful effect on protected or priority species where it is noted that ECC Ecology has not raised any ecology objections. The proposal would therefore comply with ULP Policy GEN7.

D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).

10.14 Vehicular access to the development would be via the existing wide site access point along Mill Causeway with an improved roadway alignment leading through the middle of the site as shown with the previously submitted application. Visibility splays have been demonstrated at 2.4m x 150m in both directions with the western facing splay meeting with the junction of The Causeway with Abrams Lane. ECC Highways have been consulted on the application and have not raised any highway objections subject to suitable highway conditions. The proposal would therefore comply with ULP Policy GEN1 in this respect (although see objection on sustainability grounds as mentioned above).

10.15 Resident parking for the dwellings would be in the form of both garaged and hardstanding parking as indicated. Parking for each dwelling as referred to in the application proposal description above would comply or exceed the minimum level of parking required by the adopted parking standards. The proposal would therefore comply with ULP Policy GEN8.

E Impact on residential amenity (ULP Policy GEN2).

10.16 The proposed dwellings for the scheme would be positioned within generous residential curtilages well away from the site boundaries which, as previously mentioned, contains dense screening where the dwelling for Plot 1 would be positioned 32 metres from the rear boundary of Hillside House and the dwelling for Plot 5 would be positioned 30 metres from the rear boundary of the dwellings along Abrams Lane. The development would therefore not have a significant detrimental effect on the reasonable amenities of these adjacent dwellings and would not be contrary to ULP Policy GEN2 in this regard.

F Pollution risk (ULP Policy ENV14).

- 10.17 The Environmental Health Officer has advised that the site has the potential to be contaminated due its former uses, although it should be emphasised that the site has not been used for timber treatment processing for which it has planning permission for. However, the applicant's own Site Waste Management Plan has identified the subsoil of the site as hazardous and then goes on to say that it will be re-used on site. The applicant has since advised that any material used for soft landscaped areas for the proposed development would be certified as clean. Notwithstanding this assurance, it is considered that any grant of planning permission should carry the standard remediation conditions so that the site can be properly controlled and if necessary, monitored during any remediation process that is carried out of the land (ULP Policy ENV14). It should also be emphasised that the Environment Agency initially objected to the previously submitted housing application for this site as insufficient information had been submitted by the applicant to show that the risk of pollution to controlled waters would be acceptable in view of the site's location within a Groundwater Protection Zone (Zone 3) and its positioning over an aquifer where the site is considered to be of high sensitivity because of these factors. This objection was subsequently removed following the submission of following additional information subject to suitable conditions being imposed to reduce contamination risk.

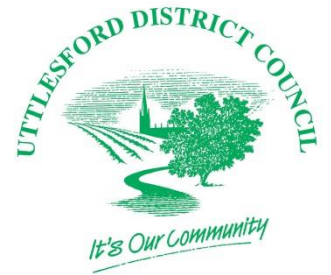
11. CONCLUSION

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

- A The proposal would be unacceptable in principle as it would represent an unsustainable form of development contrary to the sustainability aims of the NPPF and also contrary to ULP Policy GEN1 in terms of accessibility;
- B The applicant has failed to demonstrate why the development in the form proposed needs to take place at the site and would therefore be contrary to the countryside protection aims of ULP Policy S7, which states that the countryside will be protected for its own sake.
- C The proposal would be contrary to ULP Policy H10 which states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.

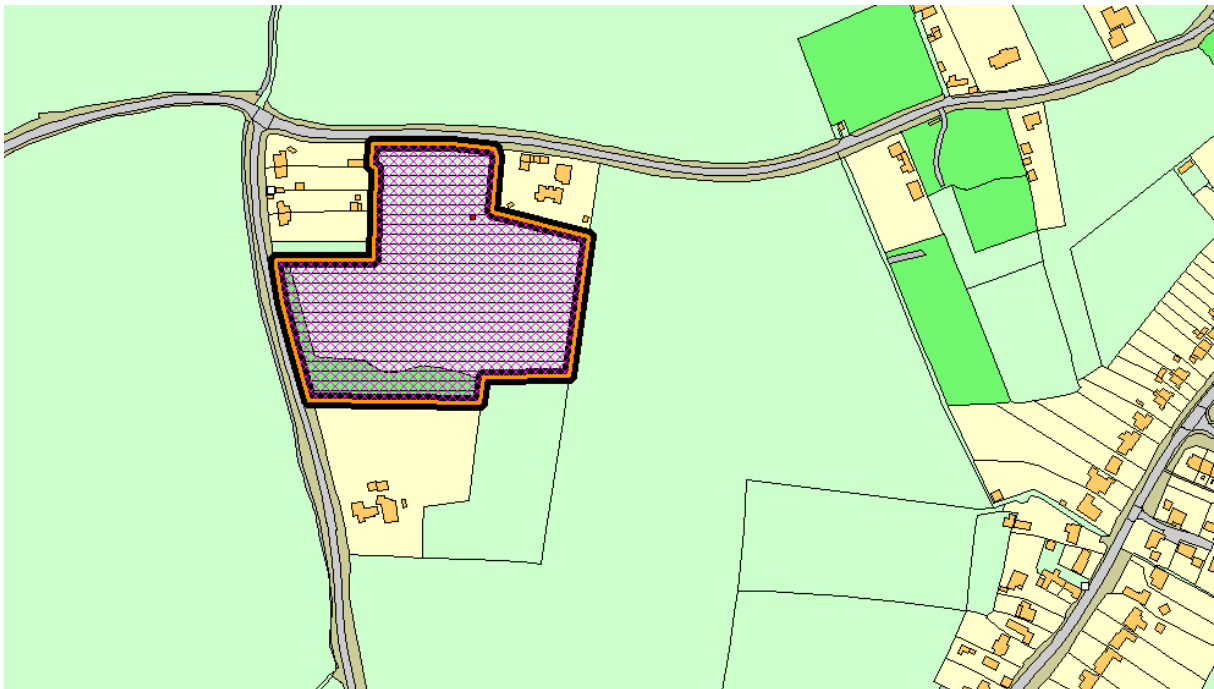
RECOMMENDATION – REFUSAL

1. The application site forms part of the countryside beyond development limits and the proposed development is fundamentally unsustainable by reason of the site's relative inaccessibility to local services that reflect the community's needs and which support its health, social and cultural well-being and also as the type and tenure of the dwellings proposed would not deliver an inclusive and mixed community or reflect local housing demand. Furthermore, the applicant has failed to sufficiently demonstrate why the development in the form proposed needs to take place at the site. The proposal would therefore be contrary to Paragraph 17 – "Core Planning Principles" within the National Planning Policy Framework and ULP Policies S7, H10 and GEN1 of the Uttlesford Local Plan (adopted 2005).



Application no.: UTT/14/3819/FUL

Address: Hillside Farm Mill Causeway Chrishall



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Organisation: Uttlesford District Council

Department: Planning

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