

**UTT/19/0025/FUL (UGLEY)**

(Referred to Committee by Cllr Artus. Reason: The previous refusal reasons have been addressed)

**PROPOSAL:**            **Erection of 1 no. detached dwelling and garage**

**LOCATION:**            **Land adjacent Maughans, Field Gate Lane, Ugley Green**

**APPLICANT:**        **Mr & Mrs Moore**

**AGENT:**              **HJL Planning**

**EXPIRY DATE:**     **12 April 2019**

**CASE OFFICER:**    **Luke Mills**

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**1.        NOTATION**

1.1      Countryside.

**2.        DESCRIPTION OF SITE**

2.1      The site is located off Field Gate Lane, Ugley Green. It comprises an undeveloped parcel of land to the south of Maughans.

**3.        PROPOSAL**

3.1      The application is for planning permission to erect a detached house and garage. An existing vehicular access off Field Gate Lane would be utilised.

**4.        ENVIRONMENTAL IMPACT ASSESSMENT**

4.1      The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**5.        APPLICANT'S CASE**

5.1      The following documents were submitted with the application:

- Planning Statement
- Biodiversity Validation Checklist
- Preliminary Ecological Appraisal Including a Protected Species Assessment

5.2      A Noise Assessment was submitted during the determination period, in response to concerns raised by the Environmental Health Officer.

**6.        RELEVANT SITE HISTORY**

6.1      A similar application for a one-dwelling scheme was refused in August 2018 (UTT/18/1612/FUL) for the following reason:

*“The size, scale, design and siting of the proposed dwelling will result in the introduction of a dominating and imposing built form to the site and as such will result in significant harm to the open character of the site, street scene and surrounding area. The proposal is therefore contrary to ULP Policies S7, GEN2 and the NPPF.”*

6.2 A list of other historic applications for the site is provided below:

UTT/0766/81 Erection of detached house and integral garage  
(Refused: 1981)

UTT/0083/87 Outline application for erection of two detached houses with garages and construction of new access  
(Refused: 1987)

UTT/0049/02/OP Erection of detached dwelling and garage using existing access to highway.  
(Refused: 2002)

UTT/13/1548/OP Outline application for two dwellings and garages together with turning head, passing bay and other external works  
(Refused: 2013. Appeal dismissed.)

## 7. POLICIES

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.3 Relevant development plan policies and material considerations are listed below.

### **Uttlesford Local Plan (2005)**

7.4 S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN6 – Infrastructure Provision to Support Development  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV2 – Development affecting Listed Buildings  
ENV8 – Other Landscape Elements of Importance for Nature Conservation  
ENV10 – Noise Sensitive Development and Disturbance from Aircraft

H1 – Housing Development  
H9 – Affordable Housing

### **Supplementary Planning Documents/Guidance**

- 7.5 SPD – Accessible Homes and Playspace (2005)  
The Essex Design Guide  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

### **National Policies**

- 7.6 National Planning Policy Framework (NPPF) (2019)  
- paragraphs 11, 63, 73, 78-79, 102-111, 127-131, 170, 175, 180 & 189-199  
Planning Practice Guidance (PPG)  
- Conserving and enhancing the historic environment  
- Design  
- Housing: optional technical standards  
- Natural environment  
- Noise  
- Rural housing

### **Other Material Considerations**

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
NPPF 2019 – Five Year Housing Land Supply update (March 2019)  
Emerging Local Plan  
- SP1 Presumption in Favour of Sustainable Development  
- SP2 The Spatial Strategy 2011-2033  
- SP3 The Scale and Distribution of Housing Development  
- SP10 Protection of the Countryside  
- SP12 Sustainable Development Principles  
- H1 Housing Density  
- H6 Affordable Housing  
- H10 Accessible and Adaptable Homes  
- TA1 Accessible Development  
- TA2 Sustainable Transport  
- TA2 Provision of Electric Charging Points  
- TA3 Vehicle Parking Standards  
- INF1 Infrastructure Delivery  
- INF4 High Quality Communications Infrastructure and Superfast Broadband  
- D1 High Quality Design  
- D2 Car Parking Design  
- D3 Small Scale Development/ Householder Extensions  
- D8 Sustainable Design and Construction  
- D9 Minimising Carbon Dioxide Emissions  
- EN1 Protecting the Historic Environment  
- EN4 Development affecting Listed Buildings  
- EN7 Protecting and Enhancing the Natural Environment  
- EN11 Surface Water Flooding  
- EN17 Noise Sensitive Development  
- C1 Protection of Landscape Character

## **8. PARISH COUNCIL COMMENTS**

### **8.1 Objection. Extract:**

“This development is proposed in the heart of a rural village, down a narrow country lane. If this development is approved it could set a precedence for further developments turning this quiet lane into an urban road.

This development is in a very rural location, and would have a detrimental effect on the wildlife.”

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

#### **9.1 No objections, subject to the use of a condition.**

### **Ecological Consultant (Place Services)**

#### **9.2 No objections, subject to the use of a condition. Extract:**

“I have reviewed the Preliminary Ecological Appraisal Report (Skilled Ecology Ltd, May 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly amphibians and reptiles and identification of proportionate mitigation.

I am satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.”

### **Environmental Health**

#### **9.3 No objections. Initial objection removed following the submission of a Noise Assessment. Extract:**

“This site is subject to motorway noise. The submitted noise assessment indicates that during the day the average external noise level is up to 55dB LAeq, and around 50 dB at night. This means that the BS8233 criteria of 35dB indoors during the day and 30dB in bedrooms at night could be met only by keeping the windows closed. In the garden area average noise levels of up to 55dB were measured, which is the upper guideline of BS 8233 for amenity areas.

This is not ideal, but as prospective occupiers will be aware of the motorway noise and able to make a judgement as to whether this is acceptable to them, no objection is raised.”

### **London Stansted Airport**

#### **9.4 No objections.**

## **NATS**

- 9.5 No objections.

## **UK Power Networks**

- 9.6 General advice regarding safe working near electrical lines/plant.

## **Gigaclear**

- 9.7 Fibre broadband apparatus is located close to the application site.

## **CLH Pipeline System**

- 9.8 No objections.

## **10. REPRESENTATIONS**

- 10.1 Neighbours were notified of the application and a notice was displayed near the site. One representation has been received, which raises the following concerns:

- Incompatible with the rural character of the area
- Inadequate road infrastructure to support development

- 10.2 The below appraisal includes consideration of character, appearance and impacts on the highway network.

## **11. APPRAISAL**

The issues to consider in the determination of the application are (relevant policies in brackets):

- A Location of housing (S7, H1, 78-79 & PPG)
- B Character, appearance and heritage (S7, GEN2, ENV2, 127-131, 170, 189-199 & PPG)
- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, 127 & PPG)
- E Amenity (GEN2, ENV10, 127, 180 & PPG)
- F Infrastructure (GEN6)
- G Biodiversity (GEN7, ENV8, 175 & PPG)
- H Affordable housing (H9 & 63)
- I Housing land supply (11 & 73)

### **A Location of housing (S7, H1, 78-79 & PPG)**

- 11.1 The Local Plan places the site beyond the defined Development Limits for town and villages, and therefore in a countryside location that is inconsistent with policies S7 and H1 on the location of housing.
- 11.2 Notwithstanding the above conflict with development plan policies, the proposal accords with the more up-to-date national policy in the NPPF. Paragraphs 78-79 take a less restrictive approach compared with the Local Plan, supporting the growth of existing settlements while preventing isolated

homes that could lead to sporadic development in the countryside. The site's location within the loosely-defined village of Ugley Green ensures its consistency with paragraphs 78-79.

**B Character, appearance and heritage (S7, GEN2, ENV2, 127-131, 170, 189-199 & PPG)**

- 11.3 Ugley Green has a loose development pattern, albeit the most discernible focal point and highest concentration of housing is found near the village green. The application site is located some distance to the north, where the pattern of development becomes increasingly fragmented and largely defined by historic farm complexes as at Hudsons Farm and Fieldgate Farm. It is considered that a new dwelling in this location would be incompatible with the prevailing rural character of its surroundings because it would erode undeveloped countryside and contribute to the consolidation of sporadic residential development. It is therefore concluded that the proposal conflicts with Policy S7 and paragraph 170 of the NPPF insofar as they relate to countryside character.
- 11.4 It is acknowledged that the proposed buildings have been designed in a traditional style that is compatible with the architecture in the vicinity, and that there would be a reduced visual impact compared with the recently refused scheme. However, neither of these factors is sufficient to overcome the fundamental concerns described above.
- 11.5 It is noted that the Grade II listed building at Fieldgate Farmhouse is located a short distance to the north of the site. However, a combination of distance and intervening buildings ensures that there would be no material impact on the setting of the heritage asset. In drawing this conclusion, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

**C Transport (GEN1, GEN8 & 102-111)**

- 11.6 The most up-to-date policy for the consideration of sustainable transport modes is provided at paragraph 103 of the NPPF, which seeks a balance between facilitating some level of growth in settlements of all sizes while ensuring that 'significant development' is focused on locations with good sustainable transport options. In this instance, it is likely that there would be a reliance on car travel to meet most day-to-day needs, such that 'significant development' would be inappropriate. Nevertheless, in the context of Ugley Green, it is considered that a one-dwelling scheme does not exceed this threshold.
- 11.7 Taking into account the comments of the highway authority, it is considered that there would be no significant adverse effects on road safety or efficiency. Furthermore, the proposed driveway and cart lodge would provide ample space to ensure compliance with the Council's minimum residential parking standards.

**D Accessibility (GEN2, 127 & PPG)**

- 11.8 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at

Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

**E Amenity (GEN2, ENV10, 127, 180 & PPG)**

- 11.9 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed garden would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. Furthermore, the Environmental Health Officer has confirmed that there are no objections regarding noise disturbance from the nearby M11 motorway. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

**F Infrastructure (GEN6)**

- 11.10 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

**G Biodiversity (GEN7, ENV8, 175 & PPG)**

- 11.11 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

**H Affordable housing (H9 & 63)**

- 11.12 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

**I Housing land supply (11 & 73)**

- 11.13 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, 'NPPF 2019 – Five Year Housing Land Supply update (March 2019)', the Council's housing land supply is currently 3.29 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

**12. CONCLUSION**

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character and sustainable transport.
- B** Notwithstanding the above, the proposal does not accord with the NPPF due to a conflict with its policy on countryside character. The adverse effect arising from this conflict would significantly and demonstrably outweigh the

positive effects of the development, such that the proposal does not represent 'sustainable development'.

- C** Regard has been had to all other material considerations, and it is concluded that planning permission should be refused.

## **RECOMMENDATION – REFUSAL**

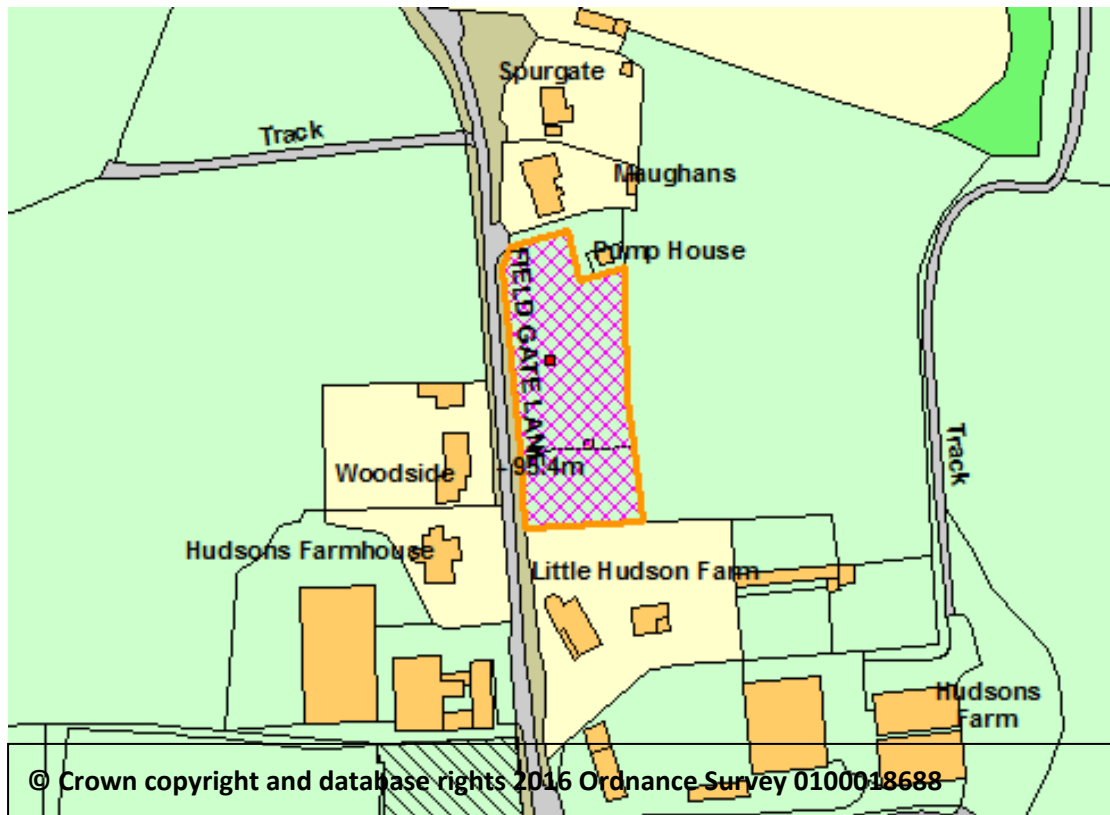
### **Reasons**

1. The proposed development would harm the rural character of the area through the encroachment of housing into the surrounding countryside, in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This adverse effect would significantly and demonstrably outweigh the benefits of the development.



Application: UTT/19/0025/FUL

Address: Land adjacent Maughans, Field Gate Lane, Ugley Green



Organisation: Uttlesford District Council

Department: Planning

Date: 21/03/2019