

From: Andrew Taylor [mailto:andrew.taylor@mrtpi.co.uk]  
Sent: 20 November 2014 17:30  
To: [redacted]  
Cc: Louise St John Howe  
Subject: Uttlesford Local Plan - Potential changes to Policy HO6

Dear Mr and Mrs Brittenden

Further to the discussion today the Inspector requested that we discuss this issue with you.

Our Hearing Statement suggests the following change to the policy:

11.25 In certain circumstances the provision of replacement dwellings in the countryside will be acceptable. **Replacement dwellings need to respect the footprint and size of the existing dwelling so not as to introduce an unacceptably large dwelling where once a small subservient dwelling stood.** These are set out in the policy below together with the criteria that will need to be complied with and the requirements that will be placed upon the grant of any planning permission.

#### Policy HO6 - Replacement dwellings in the Countryside

The replacement of existing dwellings will be permitted providing the following criteria are met:

- a) ~~the existing property does not make a positive contribution to the local character of the area;~~
- b) ~~the replacement will result in a visual improvement to the site and the surrounding area;~~
- c) the proposed dwelling follows the footprint of the existing dwelling unless the applicant can demonstrate why the dwelling would be best located elsewhere on the plot;
- d) the proposed dwelling is not materially larger than the one it is replacing; and
- e) the replacement dwelling is not harmful to the landscape by reason of its size, scale, setting or design.

If the proposed new dwelling is not on the footprint of the original, the existing house will be required to be demolished within a month of the first occupation of the new house. In order to make sure that the new

dwelling remains of a proportionate size to that which it replaces, permitted development rights may be removed.

Further to the discussion today I would suggest the following change:

11.25 In certain circumstances the provision of replacement dwellings in the countryside will be acceptable **providing that the replacement dwelling has an acceptable impact on the local area.** These are set out in the policy below together with the criteria that will need to be complied with and the requirements that will be placed upon the grant of any planning permission.

#### Policy HO6 - Replacement dwellings In the Countryside

The replacement of existing dwellings will be permitted providing the following criteria are met:

- a) ~~the existing property does not make a positive contribution to the local character of the area;~~
- b) ~~the replacement will result in a visual improvement to the site and the surrounding area;~~
- c) the proposed dwelling **is on** the footprint of the existing dwelling unless the applicant can demonstrate why the dwelling would be best located elsewhere on the plot;
- d) ~~the proposed dwelling is not materially larger than the one it is replacing; and~~
- e) **the scale, form, massing and height of the proposed dwelling is appropriate to the local context of the site, the existing dwelling, and the character of the surrounding landscape.**

If the proposed new dwelling is not on the footprint of the original, the existing house will be required to be demolished within a month of the first occupation of the new house. In order to make sure that the new dwelling remains of a proportionate size to that which it replaces, permitted development rights may be removed.

I would appreciate your comments.

Andrew Taylor MRTPI

Sent: 21 November 2014 15:30

To: Andrew Taylor

Cc: Louise St John Howe

Subject: RE: Uttlesford Local Plan - Potential changes to Policy H06 (Replacement Dwellings in the Countryside)

Dear Mr Taylor,

Thank you for your swift e-mail response yesterday.

Unfortunately your proposed changes do not address the substance of our objection and so do not take us forward. You proposed similar (if not the same) wording during the hearing yesterday and we did not accept this at the time (and cannot accept it now), as it goes to the heart of the problem (and our objection) which is that it is illogical, unduly restrictive and unsound to limit footprint, scale and design (etc.) of a replacement dwelling by reference to the footprint, scale and design (etc.) of the existing dwelling.

As mentioned yesterday, the Council's proposed criteria assume that all existing dwellings are at their optimum size and shape, and have the optimum relationship with the surrounding area. There is no logical or evidential foundation for that assumption.

The Inspector pointed out that limiting the replacement to the existing footprint is another way of limiting scale, and is unduly prescriptive. It also stifles innovation and has no logical basis (etc.).

We believe it is wrong (and defensive) to assume that every replacement home will result in a "ghastly Mansion style home". There are many styles, and innovation and good design should be encouraged, particularly where replacing small sub-standard dwellings (which the Council recognise exist) and/or seeking to improve the places where people live.

It concerns us also that the Council's proposals for H06 will result in a similar level of control for replacement homes in the countryside generally as the NPPF says is appropriate to replacements in the Green Belt, and that if the proposed Policy H06 were adopted in the form proposed by the Council, this would also result in a higher level of control than would exist under the existing Policy H7. In both cases, this is illogical and unsound given that the direction of travel under the NPPF is the other way.

At the hearing yesterday afternoon, the Inspector said he has sympathy for the points we have raised, and asked us both to work together with a view to reaching agreement on the wording of Policy H06 so as to ensure that it is sound.

#### **Our suggested changes**

Set out below are our suggested changes to your wording. We feel it is clearer if the introduction is consistent with the wording of the policy.

We believe this wording respects the NPPF and NPPG requirements, addresses your key concerns and is sound.

**11.25 In certain circumstances the provision of replacement dwellings in the countryside will be acceptable providing that the replacement dwelling has an acceptable impact on the local area is appropriate to the local context of the site and the character of the surrounding landscape. These are set out in the policy below together with the criteria that will need to be complied with and the requirements that will be placed upon the grant of any planning permission.**

#### **Policy H06 - Replacement dwellings in the Countryside**

The replacement of existing dwellings will be permitted providing the following criteria are met:

- ~~a) the existing property does not make a positive contribution to the local character of the area;~~
- ~~b) the replacement will result in a visual improvement to the site and the surrounding area;~~
- ~~c) the proposed dwelling is on the footprint of the existing dwelling unless the applicant can demonstrate why the dwelling would be best located elsewhere on the plot;~~
- ~~d) the proposed dwelling is not materially larger than the one it is replacing; and~~
- ~~e) scale, form, massing and height of the proposed replacement dwelling is appropriate to the local context of the site, the existing dwelling, and to the character of the surrounding landscape.~~

If the proposed new dwelling is not on the footprint of the original, the existing house will be required to be demolished within a month of the first occupation of the new house. In order to make sure that the new dwelling remains of a proportionate size to that which it replaces is appropriate to the local context of the site and to the character of the surrounding landscape, permitted development rights may be removed.

### Conclusion

If this is not acceptable, and we are to move forward, it would be helpful if the Council could grapple with the issues we have raised and provide us with a fully reasoned response to our concerns so that we can better understand the Council's thinking as to why what we have proposed is wrong. We have fully articulated our concerns (on a fully reasoned basis) in our objection, hearing statement and at the hearing (and also summarised some of these above).

We are available to deal with this issue, and hope we can close it out swiftly, or refer it back the Inspector with our respective positions on the issues.

Yours sincerely

Fiona Brittenden

**Subject:** RE: Uttlesford Local Plan - Potential changes to Policy HO6 (Replacement Dwellings in the Countryside)

Dear Mrs Brittenden

Further to your email, I have proposed some further suggested changes to the policy taking into account your suggestions. The full reasoning for the policy and our stance has already been set out in our Hearing Statements so there is no need to repeat that here.

I appreciate that we may not be able to agree on a final suggested wording.

11.25 In certain circumstances the provision of replacement dwellings in the countryside will be acceptable **providing that the replacement dwelling is appropriate to the local context of the site and the character of the surrounding area.** ~~These are set out in the policy below together with the criteria that will need to be complied with and the requirements that will be placed upon the grant of any planning permission.~~

**Policy HO6 - Replacement dwellings in the Countryside**

The replacement of existing dwellings will be permitted providing the following criteria are met:

- ~~a) the existing property does not make a positive contribution to the local character of the area;~~
- ~~b) the replacement will result in a visual improvement to the site and the surrounding area;~~
- c) the proposed dwelling is on the footprint of the existing dwelling unless the applicant can demonstrate why the dwelling would be best located elsewhere on the plot;
- ~~d) the proposed dwelling is not materially larger than the one it is replacing; and~~
- e) **the scale, form, massing and height of the proposed dwelling is appropriate to the local context of the site, the existing dwelling, and the character of the surrounding landscape.**

If the proposed new dwelling is not on the footprint of the original, the existing house will be required to be demolished within a month of the first occupation of the new house. In order to make sure that the new dwelling **is appropriate to the local context of the site and to the character of the surrounding landscape,** ~~remains of a proportionate size to that which it replaces,~~ permitted development rights may be removed.

**Andrew Taylor MRTPI**  
**Assistant Director Planning and Building Control**

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[Redacted]  
cc: Louise St John Howe

**Subject:** RE: Uttlesford Local Plan - Potential changes to Policy H06 (Replacement Dwellings in the Countryside)

Dear Mr Taylor,

Thank you for your swift reply. Unfortunately it seems clear that we will not be able to reach agreement, as the revised policy you have suggested does not overcome the fundamental problem we have identified as to the reference to the existing dwelling.

We assume that the issue will now have to be determined by the Examiner. In your reply you indicate that you are content that the Council's position is adequately set out in its hearing statement. So far as we are aware, the only statement from the Council that specifically responds to what we have said is in document EX104. Could you please confirm that this is correct?

You have made clear that you do not wish to add to what has already been said on behalf of the Council, and so we would now propose to submit this exchange of correspondence to the Examiner, together with our explanation of why we are maintaining our objection, so that he can make his decision. Please confirm you are content with this approach.

Yours sincerely  
Fiona Brittenden

[Redacted]  
cc: Louise St John Howe

**Subject:** RE: Uttlesford Local Plan - Potential changes to Policy H06 (Replacement Dwellings in the Countryside)

Dear Mrs Brittenden

I am not prepared to adjust our position further. Our approach is clearly set out in all the submission documents.

**Andrew Taylor MRTPI**  
**Assistant Director Planning and Building Control**

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