

## UTT/20/1208/PIP

(Call-in request by Councillor Barker regardless of recommendation - the matter is reported to Planning Committee at the discretion of the Development Manager).

**PROPOSAL:** Application for permission in principle for the erection of a maximum of 5 no. dwellings.

**LOCATION:** Land at Parsonage Meadow, The Street, High Easter, CM1 4QZ.

**APPLICANT:** Messrs R And A Lodge.

**AGENT:** C/o P.S. Planning & Heritage.

**EXPIRY DATE:** 06.07.2020.

**CASE OFFICER:** Clive Theobald.

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### 1. NOTATION

1.1 Outside Development Limits / Conservation Area 50m Buffer Zone / affecting setting of listed buildings.

### 2. DESCRIPTION OF SITE

- 2.1 The site lies on the east side of The Street (also referred to as either High Easter Road or Barnston Road) to the immediate south of Parsonage Brook and comprises for the purposes of the land edged in red a rectangular area of gently sloping meadowland consisting of 0.48 ha. as stated in the application (it should be noted that this figure has been checked by the Council and has been found to be 0.5013 ha. based on the Proposed Block Plan 1:500 drawing PAS/RL/PM/05 accompanying the application).
- 2.2 The site is post and wired along its northern boundary and post and railed along its southern and eastern boundaries, whilst it is heavily screened by mature vegetation along its western boundary with the road frontage. Significant tree belts run in an east-west direction along both the alignment of the brook to the north of the site and also on higher ground beyond the site's southern boundary. A field access exists from the road adjacent to the north-west corner of the site opposite Parsonage Farm Barns leading eastwards across to maintained grassland to the rear of the site within the applicant's control and ownership. A range of listed converted barns, including Parsonage Farm Barns, stand opposite the site on the west side of the road.

### 3. PROPOSAL

- 3.1 This application seeks permission in principle as provided for in the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 for residential development comprising the erection of a maximum of five dwellings.
- 3.2 A proposed indicative block plan submitted with the application (Drwg. ref. PAS/RL/PM/05) shows how up to five dwellings with associated garaging and shared private access drive leading off The Street could be accommodated at the site. A revised block plan has subsequently been submitted showing the proposed

development with a suggested footpath link indicated in red broken line leading from the rear of the application site extending south-eastwards running parallel with the western boundary of a field within the applicant's ownership and control finishing at the Lodge Coaches depot site (applicant) which fronts onto The Street.

- 3.3 Permission in principle legislation is relatively new whereby this is the fifth application of this type that the Council has received. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing led development which separates the consideration of matters of principle from the technical details through a two stage process. Planning permission does not exist unless both the permission in principle and the technical details are approved. This PIP application relates to the first of these two stages. It should be emphasised that the scope of permission in principle is limited to Location, Land use and Amount of development.
- 3.4 In terms of assessing the application, NPPG advice is such that; "A decision on whether to grant permission in principle to a site following a valid application or by entering it on Part 2 of a brownfield land register must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise."
- 3.5 Planning conditions and S106 Agreements cannot be attached to a grant of permission in principle. Conditions and obligations which meet the "six tests" can, however, be applied to the approval of technical details consent.

#### **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 application is accompanied by a planning supporting statement (P.S. Planning & Heritage) which describes the site and its surroundings, the development proposal and the relevant planning policy context. The statement concludes as follows:
- This supporting planning statement has reviewed the key matters for consideration with regard to the application for permission in principle for five dwellings at Land at Parsonage Meadow, Barnston Road, High Easter. This statement has explained the site's location, its land use and the amount of development proposed. It has also examined relevant planning policy at both the national and local level.
  - The application site lies just outside the village boundary of High Easter as defined by the Local Plan and is therefore within the countryside in policy terms. The starting point in the consideration of this application is therefore that the proposal is subject to Local Plan Policy S7, The Countryside, which seeks to impose a general restriction on development, including housing, outside the defined limits of villages and other settlements.
  - However, the local planning authority cannot currently demonstrate a five-year housing land supply, meaning that, for the purposes of paragraph 11

of the NPPF, policies relating to housing supply are considered to be out of date. As a consequence, the second part of paragraph 11 of the NPPF (concerning decision-taking) is engaged, establishing a 'tilted balance' in favour of development. Accordingly, permission should be granted unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

- The benefits of the proposals include:
  - the provision of much needed new housing within the District, which would support local services and facilities within the village and the surrounding area, and could include one affordable (shared equity) unit;
  - an accessible location reducing the need to travel by private car compared to more remote areas of the District; and,
  - potential net gain in the biodiversity value of the site, brought about through the implementation of ecological measures such as bat boxes, new tree planting and landscaped open space designed to provide new wildlife habitats.
- The application site is currently unused and located in close proximity to the settlement limits of High Easter and is not read as part of the wider open countryside surrounding the village. It is very well screened by existing trees, wooded areas and hedgerows. To develop the land would therefore make more efficient use of the site. There are no adverse impacts of allowing this development in principle when considered against the policies of the NPPF taken as a whole.
- The application proposal does not conflict with the statutory development plan, and where it does, the proposal is considered to be acceptable taking into account all other material considerations. As the 'tilted balance' should be applied, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council is respectfully requested to approve this application for the development proposed and grant planning permission in principle. Matters such as layout, detailed design and landscaping can be considered at the Technical Details submission stage, should 'permission in principle' be granted.

## **6. RELEVANT SITE HISTORY**

- 6.1 There is no relevant planning application history relating to this site, although the site was included for assessment within the "Call for Sites" process for the Council's now withdrawn emerging Local Plan relating to third party proposed housing development.

## **7. POLICIES**

### **National Policies**

National Planning Policy Framework (NPPF)

**Uttlesford Local Plan (2005)**

ULP Policy S7 – The Countryside  
ULP Policy ENV5 – Protection of agricultural land  
ULP Policy H1 – Housing development  
ULP Policy GEN1 - Access  
ULP Policy GEN3 – Flood Protection

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

None

### **Other Material Considerations**

National Planning Policy Guidance (NPPG)

The Council's lack of a 5 year housing land supply against government statutory targets is a material consideration for this permission in principle application.

## **8. PARISH COUNCIL COMMENTS**

8.1 At an extraordinary meeting of High Easter Parish Council on Monday 15th June, the Parish Council concluded it would neither support nor object to this application.

High Easter Parish Council is a small council with seven Cllrs. The chairman of the Parish Council is the applicant, the vice-chairman is the agent and two further Cllrs concluded they had personal prejudicial interests and as a result were unable to take part in the meeting. The three remaining Cllrs all declared personal interests as friends and Parish Council colleagues of the applicant and agent.

Both applicants are residents of High Easter and directors of Lodge Coaches, a local business based in the village. Lodges celebrated its centenary in February 2020 and operates a fleet of vehicles providing holiday and day excursions, private hire, vintage vehicles and bus routes for local schools; it employs 32 people, with 12 living in the parish. They confirmed they are a business severely impacted by Covid 19 and are looking at all the options to raise capital to try and ensure the survival of the business and this application is one part of that consideration.

Residents and the Parish Council were sympathetic to their position; however, it was recognised this is not a reason in planning to allow development and is not relevant to the decision-making process.

The following points are a summary of those raised by residents and additional points noted by the Parish Council during the meeting.

1. Allowing development on this site would set a precedent; this point was raised several times. The concern is by allowing this application it will open the floodgates to further development in and around the village. The field behind the houses on the north side of The Street and this application site is a particular concern and residents are of the view that allowing this site would make this land highly vulnerable to large scale development.

The Parish Council recognises each application has to be considered on its own merits, however would direct Uttlesford to consider the wider implications of

approving this site which is outside the village envelope and currently does not adjoin residential properties to the north, south or east.

2. This development, together with the affordable housing site (pending approval) adjacent to Boreham Court is leading to the urbanisation of High Easter, which will damage the rural and tranquil character of the village.

The Parish Council strongly supports the view of residents in that it does not want to see the character and rural nature of the village changed or destroyed by unsustainable housing developments. The Parish Council recognises the lack of 5-year housing supply and the impact this has on decision making.

3. Uttlesford Council 2015 'Call for Sites' programme, has already rejected an application for the site address Parsonage Meadows (reference 02HEas15). The current application is for development on only part of this site. The larger site was deemed unsuitable by Uttlesford, as 'development of this site would not contribute to sustainable patterns of development'. Residents are of the view the reasons for the rejection are still applicable to this new Parsonage Meadows site application. The Parish Council notes at this time High Easter was classified a type B village.

4. This application leaves open the potential for a second phase on this meadow, given the outlined layout, including design of the internal road access.

5. Residents are of the view there is no evidence of a requirement or need for additional, larger, detached market houses in High Easter. A rural exception site for 4 new dwellings, promoted by the Parish Council is currently pending decision by Uttlesford and this is fulfilling the need for affordable housing.

6. Highway safety; the site is in the 30mph zone, however local experience suggests the speed of vehicles is not always considerate despite the use of a VAS at this location installed by the Parish Council to try to encourage lower speeds. There is no pavement from the site into the village, no street lighting or kerbing and the view is it is not safe for young families to walk into the village to access the limited facilities.

7. The application states that the site 'is located within easy walking distance of services and facilities within the village'. The village does not have a primary or secondary school (there is a daily pre-school at the village hall), a shop, a pub and has only a two hour weekly mobile post office in the local tea shop and a very limited bus service running four times a week to Chelmsford and Dunmow. The lack of village facilities increases the need to travel by private car. The Parish Council recognises that Lodges has the contract for secondary school buses which allows residents to access a paid service to a number of different schools. The additional necessary private cars will be counter to the 'Environmental' sustainability pillar of the NPPF, particularly now that Uttlesford has declared an 'Environmental and Ecological Emergency'.

8. A resident wrote, the loss of meadowland is not to be considered lightly at a time when globally we are asked to consider the consequences of exploitation of the natural world. Meadows matter greatly and loss of habitat for wildlife is incalculable. Others commented on the impact on the biodiversity of the wider site, the presence of Great Crested Newts and the wealth of the wider life and natural habitat created by Parsonage Brook and the meadow itself.

9. There has been a noticeable increase in traffic through the village in recent years. Residents' comments suggest access to this site is located in an unsafe position currently obscured by hedging and are concerned that any housing development will increase highway safety and traffic on local lanes. The Parish Council recognises this will be addressed at the technical stage should the application be successful. However, it is already an issue at this PIP stage since options are fairly limited without damaging/reducing the existing hedge, which is itself part of an argument that states that the site is visually hidden from the road.

10. The Parish Council notes the site is on the edge of village conservation area. The application site forms part of the gateway into the village, the conservation area appraisal records, 'A key gateway to the village is where High Easter Road crosses over Parsonage Brook, though the brook itself is hidden from view'. The Parish Council would not want to see any development design that changed this key gateway or compromised the setting of the listed buildings opposite the site. At the time of the revision to the appraisal in 2013 a request was made for buffer zones to be considered which would have included this site. At the time Uttlesford refused this proposal, however forwarded the request for consideration in the then new Local Plan policy.

11. The Parish Council recognised the benefits new residents could bring to the community and referenced the commitment and contribution made by residents who had moved into the developments approved some 20 years ago.

12. Those who have expressed their objection to this site are of the view that these points do not satisfy the tests required to demonstrate a sustainable development namely economic, social and environmental.

## **9. CONSULTATIONS**

### **ECC Highways**

- 9.1 The Highway Authority has no objections to the principle of the application proposal from a highway and transportation perspective.

Informative:

- i. The technical details consent application must accord with current safety and design standards.
- ii. The location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

### **Place Services (Heritage)**

- 9.2 *Built Heritage Advice pertaining to an application for the permission in principle for the erection of a maximum five dwellings.*

The proposed application site is adjacent to and within the setting of Parsonage Farm to the west and its historic farm complex. The site includes Parsonage Farmhouse, Grade II listed (list entry number: 1308614). This is an early nineteenth-century house, timber framed and plastered. The Cottage, 40 metres

north west of the Farmhouse, is Grade II listed (list entry number: 1147225) and is an early seventeenth-century cottage with later nineteenth century additions. To the north of the Farmhouse and immediately adjacent to the proposed site is the Barn, Grade II listed (list entry number: 1112537) and is a large sixteenth-century barn with timber framing and weatherboarding with a peg tile roof and two gabled midstreys. The proposed application site is immediately adjacent to the designated heritage assets and is bounded by the High Easter Conservation area to the west, access to the proposed site would be from within the Conservation Area.

In principle I do not support the proposed development for the erection of a maximum of five dwellings. The proposed would have an adverse impact upon the setting and character of the Conservation Area through the inappropriate introduction of build form that is considered to be unsympathetic to the verdant and rural character of the Conservation Area. The proposed site's location is identified within the High Easter Conservation Area Appraisal as a key view and of being 'a key gateway to the village'. The proposal would detract from this 'key gateway' into the village and Conservation Area, harming its character and setting.

The proposal would harm the setting and significance of the listed buildings within the historic farm complex to the west. The proposal would, I feel, present the harmful urbanisation of the rural locality, adversely affecting the experience and relationship of the Conservation Area and the listed buildings to their agrarian context and surrounds.

The proposed would, in my opinion, fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed also fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 200 of the National Planning Policy Framework (2019).

The proposed would harm the setting of the designated heritage assets and the Conservation Area, affecting its character. Whilst the harm is considered to be 'less than substantial', in line with Paragraph 196 of the NPPF (2019). It should be noted that 'great weight' is to be afforded the asset's conservation (Para.193) and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Para.194).

Furthermore, the proposed fails, in my opinion, to make a positive contribution to local character and distinctiveness (Para.192c).

### **ECC Archaeology**

- 9.3 The Historic Environment Advisor of Essex County Council has identified the above application as having significant archaeological implications from the weekly list.

Having looked at the site on the Historic Environment Record the proposed development is located adjacent to Parsonage Farm and just outside the historic core of High Easter settlement where evidence of Iron Age and Roman occupation have been identified (EHER). The Parsonage Farm complex comprises of a number of buildings the earliest of which dates to the sixteenth century (EHER 38148). The Chapman and Andre map of 1777 records this farmstead as the site of a parsonage (EHER 926). There is therefore the potential for archaeological remains associated with the parsonage and historic settlement being encountered

within this area. Should this come in as an application we would be recommending trial trenching.

### **MAG London Stansted Airport**

- 9.4 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. It has no aerodrome safeguarding objections to the proposal.

### **UDC Economic Development Officer**

- 9.5 The Uttlesford Economic Development Strategy 2018 – 21 aims to develop sustainable business growth across the district, and focuses on a number of priority areas of work. These include:

- Rural economy
- Visitor economy
- Life sciences
- Stansted airport and location

In recent years, Uttlesford businesses have prospered, although there were signs of a slowdown in early 2020, based on business start-up figures.

However, the global COVID19 pandemic in 2020 has dramatically changed the business landscape. Lockdown put the majority of businesses on hold, and even as restrictions were lifted it became clear that some sectors had been and continued to be more seriously affected. One of those sectors was the visitor economy.

The focus of the Economic Development Team has changed from encouraging business start-ups and expansion, to supporting businesses so that they could survive the ravages of COVID19. We have worked to ensure clear and consistent advice is available to all businesses, signposting to advice and guidance and encouraging business owners to ensure that their businesses are COVID secure to reduce the risk of a local lockdown and more damage to businesses working hard to survive.

However we are very aware that some sectors have experienced little recovery in the last few months, with their customer base reluctant to take any risks, and challenges to running their business with social distancing measures in place. The visitor economy has been very badly affected and within that businesses such as Lodges Coaches who according to their website are *“A leading coach provider of UK, Continental and Cruise Holidays, Day Excursions, Vintage and Private Coach Hire for Business, Pleasure, Groups, Clubs and Weddings.”* This sector has been very seriously affected in these unprecedented times.

Lodges Coaches was established in 1920 and has been a well-known local business, taking children to school, taking families on holidays and as part of special events, including the Christmas activities in Saffron Walden in 2018.

From an economic development perspective, in a global pandemic, I would support this application if it enables a local business to survive the COVID19 pandemic. Businesses within the visitor economy will need to be creative and take positive steps to save their business and I hope that Lodges Coaches can prosper again.

## 10. REPRESENTATIONS

10.1 49 representations received (19 in support, 30 against). Neighbour notification period expires 27 July 2020. Advertisement – n/a, site notice expires 19 June 2020.

10.2 Summary of representations received as follows:

### Support:

- The site is not currently being used for agricultural use for food production.
- Small organic growth development through slow controlled expansion of the village will add to its character and help reject any potential larger plans that may be put forward for consideration whereby up to five new homes in this location is entirely consistent with the evolution of High Easter.
- The village has an infrastructure that has the resources to accommodate five new families whereby the development would encourage investment in this infrastructure.
- The village would benefit from attracting some new families to live here which has benefited greatly from the new people who have moved into the village with recent developments.
- The development layout would ensure a community feel between the proposed dwellings and would not create unnecessary sprawl due to the fact that a number of existing homes are situated opposite
- To sacrifice a single greenfield site for five houses is a small price to pay to address the UK wide housing crisis.
- The proposal will help support the village café, church and pre-school and will have no impact on the village unlike a larger development.
- Without local businesses (be they agricultural, hospitality or semi-industrial) High Easter would be another 'ghost' village with little to offer except housing. Most people currently living in High Easter could move with relative ease if they so chose; however, that is not an option for the village's main employers. As such we should be supporting those who economically and socially provide so much to our village, whilst at the same time providing small amounts of new housing to allow the village to continue to thrive, particularly at this time.
- The level of traffic in the village is low and a few more cars resulting from the development would not be noticed.
- The claims of highway dangers along the road is not supported. The village could, however, do with speed mitigation measures to ensure drivers obey the speed limit for the stretch between Bellhouse Villas and Parsonage Barns.
- There is no rare wildlife or endangered species in the paddock itself.

### Object:

- The site is outside development limits and is not a housing allocation site.
- Unsustainable development in an isolated location from the village.
- The existing settlement is linear in character and the proposed development would depart from this linear pattern.
- Proposal would be harmful to the ancient meadow which has a variety of wildlife.

- Proposal would be harmful to the conservation area and the setting of adjacent listed buildings.
- The agent's assertion that the benefit of new houses when the Council cannot demonstrate a 5 year supply is by itself sufficient to outweigh any harm caused by the development is incorrect. Para 11 of the NPPF requires the proposed development to be considered against Policy S7 and ENV2 and the test in para 194 of the NPPF to be applied.
- Up to five new dwellings is an immaterial contribution to the housing shortfall where larger housing sites should be provided in more sustainable locations.
- The Vicarage Close development was more than acceptable because it was built on a 'brown' site. The houses were a significant improvement to The Street. They replaced Lodge's old bus depot and not a meadow.
- The application is ill conceived and poorly researched, highlighted by the late addition of an alternative footpath/cycleway route to avoid residents having to walk in the road to the centre of the village which does not have any footpaths, kerbs or street lighting.
- UDC rejected a previous application to develop Parsonage Meadow in 2015 (ref. 02HEas15) following UDC's 'Call for Sites' initiative - *'The site is remote from settlements with services and facilities and therefore the site is considered unsuitable as development of this site would not contribute to sustainable patterns of development.'* The reasons for the refusal in the past assessment still apply today.
- No social benefit would accrue to building five executive houses on Parsonage Meadow whereby there is a public need instead for medium sized housing to redress a social imbalance in the village from previous higher end market schemes which have been approved and built.
- There is no evidence showing that the village would benefit from more houses in a location without a shop, a school, doctor's surgery, pub, a post-office which is only open one day a week, a recently closed restaurant and an almost non-existent public transport service.
- A token 'shared ownership unit' is a gesture that has been included in the application for the wrong reasons.
- There is no guarantee that even the current limited bus service through the village will continue.
- The nearest local primary school is at capacity and schooling will be an issue.
- The proposed footpath link to Lodge Coaches would be longer to walk to the centre of the village and would go past industrial units and through the bus depot which would be hazardous to walkers, including schoolchildren.
- The footpath link would be a security risk to people using it and also to residents of Gepps Close.
- The application does not refer to the housing needs survey carried out for High Easter in 2016. That report formed the basis of the application for 4 affordable homes for social rent next to Boreham Court. Once built, these houses will meet the village's housing needs as identified by the survey.
- The development would cause an undesirable precedent.
- Applications for housing development outside the village development limits in the past routinely failed to garner support from parish councillors with the exception of affordable Housing. It is surprising that currently serving councillors now hold a contrary view to the current application.

## 11. APPRAISAL

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

- A Principle of development having regard to the site's location, land use and amount of development taking into account other material considerations, namely housing supply (NPPF, ULP Policies ENV5, H1, GEN1 and GEN3).
- B Other matters: Access, Ecology, Heritage, Design, Housing Mix, Affordable Housing (ULP Policies GEN1, GEN7, ENV1, ENV2, GEN2, H10 and H9).
- A Principle of development having regard to the site's location, land use and amount of development taking into account other material considerations, namely housing supply (NPPF, ULP Policies S7, ENV5, H1, GEN1 and GEN3).**

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any planning application must be determined in accordance with the planning policies set out in the Adopted Development Plan, unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (NPPF) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are considered to be out of date. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan, which was adopted in January 2005 and is therefore now over 15 years old and pre-dates both the original NPPF (2012) and the latest version of the NPPF (2019).
- 11.2 The revised National Planning Policy Framework (NPPF) was published in July 2018 and updated in February 2019. It provides the statutory guidance for determining planning applications at a national level. It represents the most up to date central government planning policy guidance and as such is a material consideration for the determination of planning applications.
- 11.3 The NPPF stresses that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework also sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.
- 11.4 Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the LPA cannot demonstrate a five year housing land supply), the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development (see Footnote 6); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 11.5 With reference to Footnote 6 of paragraph 11d) (i), the application site is not "habitat sites" and/or a Site of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast, irreplaceable habitats, or an area at risk of flooding. The site would, however, affect nearby designated heritage assets, including assets of archaeological interest, although matters relating to heritage do not fall

to be considered for this Permission in Principle application (see fuller explanation on this issue further down in this report at section B).

- 11.6 With regard to flood risk, the site lies within Flood Zone 1 representing the lowest risk of fluvial flooding, notwithstanding its relatively close proximity to Parsonage Brook. The development would not therefore be contrary to ULP Policy GEN3 or national flood risk advice contained within the NPPF whereby a flood risk assessment is not required. As the proposal is not a major development, national policy does not require the use of a sustainable drainage system. Notwithstanding this, an appropriate surface water drainage system would need to be implemented through the Building Regulation process.
- 11.7 Paragraph 170 seeks to protect and enhance 'valued landscapes' in a 'manner commensurate with their statutory status or identified quality in the development plan'. The surrounding landscape to the site is not covered by any statutory or local landscape designation or identified within the development plan for its landscape quality. Therefore, the site is not a 'valued landscape' in the context of the Framework and its location means that it is generally representative of the wider countryside in the area.
- 11.8 Paragraph 79 of the NPPF states that the development of isolated homes within the countryside should be avoided. The issue of 'Isolation' has been addressed in a High Court Judgement (Case No: C1/2017/3292) which considers that "isolated" should be given its objective meaning of "far away from other places, buildings or people, remote". Therefore, the site cannot be considered to be isolated under the terms of Paragraph 79 given its location adjacent to the edge of the village near to existing residential properties.
- 11.9 Paragraph 78 of the NPPF notes that in order to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In this context, it can be said that the addition of five dwellings within High Easter can be seen to have a positive impact on the existing services and facilities within the village and the surrounding rural communities, although this issue is addressed later in this report in terms of the level of services which exist.
- 11.10 ULP Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, whilst paragraph 170 of the NPPF has a similar objective. The site currently comprises an enclosed hay meadow comprising 0.5 ha and does not form part of an arable farm holding. As such, the development would not lead to the loss of arable land/wider food production and would not be contrary to Policy ENV5 relating to the protection of farmland.
- 11.11 ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that there will be strict controls on new building. Policy S7 also states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 11.12 Policy S7 has been found to be partially consistent with the provisions of the NPPF following an independent policy review of the adopted local plan against the NPPF (Ann Skippers) whereby its restrictive stance towards housebuilding in the countryside contrasts with the more proactive stance taken by the NPPF towards

sustainable development within the rural areas. Policy S7 is still a saved local plan policy and carries weight.

- 11.13 In terms of environmental impact, the site is screened and enclosed to the wider countryside beyond by a heavy tree belt which runs parallel to Parsonage Brook to the immediate north and also by a tree belt to the south, whilst extensive vegetation exists along the road frontage boundary and a tree line also runs north-south further to the east of the site beyond a separating field. Notwithstanding this, the site forms part of a wider extent of meadow/grazing land running parallel with the brook which maintains a pleasant rural character and which has a strong physical detachment from the existing settlement further to the south by reason of its enclosing nature.
- 11.14 The introduction of a maximum of five dwellings at this greenfield site as proposed by this PIP application would through the introduction of housing erode and undermine the site's particular defining rural characteristics whereby the site is currently devoid of buildings save for an agricultural storage shelter at its western end. As such, it is considered that the development would cause significant harm to the particular rural character and appearance of the site and immediately surrounding area contrary to ULP Policy S7 whereby the development does not need to be there where no special reasons have been put forward. The development would also fail to meet the environmental strand (objective) of the NPPF whereby Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by b) "recognising the intrinsic character and beauty of the countryside". The argument put forward in this particular case that the development would make more efficient use of undeveloped land is not considered sufficient in the planning balance to outweigh the significant degree of rural harm which would be caused by the development.
- 11.15 The development would also fail to meet the environmental strand (objective) of the NPPF whereby Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by b) "recognising the intrinsic character and beauty of the countryside". The argument put forward that the development would make more efficient use of undeveloped land is not considered sufficient to outweigh the significant degree of rural harm which would be caused were the development to proceed.
- 11.16 In terms of physical connectivity, the site is poorly connected to the remainder of the existing linear settlement lying to the south whereby this section of The Street (also known as High Easter Road/Barnston Road) does not have either footpaths or street lighting, representing as it does a local rural connector road between High Easter and Barnston and which has a sloping nature leading down from the village junction to the site. As such, it is considered that the road would represent a highway hazard to any increased pedestrian use of it as a result of the development.
- 11.17 The applicant has subsequently included the provision of a footpath link shown indicated on Drwg. ref. PAS/RL/PM/05 from the site to Lodge Coaches as a means of providing alternative pedestrian access from the site into the village and also the bus depot itself, which provides school contract services. However, such a link would be across private land which would lead to only one end of the village and not into the centre of the village, notwithstanding that the bus depot also has a "drop-in" café and a part-time village post office. The indicated footpath link would also be required to be lit to provide user safety which would serve to erode the current unlit nature of the undeveloped grassland to the rear of the site, whilst

Secured by Design issues are also relevant to its inclusion at this location given the indicated route alignment and length of the footpath with a lack of existing surveillance and also which would run past the rear of properties in Gepps Close whereby safety concerns have been similarly expressed by residents of Gepps Close relating to their own properties because of this indicated alignment.

- 11.18 Whilst the footpath link would improve the site's connectivity by linking up to three local services (if the bus depot actually serves as a passenger terminus rather than simply the depot whereby this is currently unclear), it is considered that its inclusion into the proposal to provide the development with a higher degree of sustainability does not sufficiently overcome the general unacceptable nature of the proposed development by reason of its location and the proposal is contrary to ULP Policy GEN1.
- 11.19 In terms of economic and social gains, the erection of five dwellings would generate local employment in the short term, whilst the additional households within the village resulting from a slight increase in footfall would be likely to increase spending within the local economy to help support local services and facilities within the village and surrounding areas. That said, the village does not have a good range of local services and amenities and the positive impacts can only therefore be regarded as being modest in terms of overall net gains.
- 11.20 Uttlesford District Council cannot currently demonstrate a 5 Year Housing Land Supply where the current housing deficit against statutory housing requirements stands at 2.68 years and therefore the adopted policies which are most important for determining planning applications must be considered to be out of date, including ULP Policy H1. As a result, the 'tilted balance' in paragraph 11(d) of the NPPF is therefore engaged. Thus, the application should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 11.21 As assessed above, it is considered that the level of environmental harm which would result as a result of the development and the lack of sustainability of the proposal by reason of the site's location divorced from the main settlement are adverse effects which have to be weighed against the benefits of providing up to five dwellings at this site into the Council's housing supply. It is considered for this application proposal that the adverse effects identified would significantly and demonstrably outweigh these benefits in the 'tilted balance' when assessed against the policies in the Framework as a whole in that the development would not contribute to sustainable patterns of development and thus there would not be a presumption in favour of sustainable development against the three "objectives".
- 11.22 The comments expressed by the Council's Economic Development Officer for this proposal in response to the COVID 19 epidemic and how the effects of this ongoing national emergency are affecting local businesses, including the applicant's long established bus and coach business at the site, and the possible knock-on effects for the local community, including local employment, have been fully noted and understood by Officers. In this regard and as noted in the consultation response, the private bus company sector has been hit particularly hard by the epidemic. However, this economic factor is not considered to be a sufficient reason in itself to outweigh the normal planning considerations which would be relevant to the current proposal and indeed no reference has been made to the applicant's personal circumstances arising from COVID 19 in the submitted planning supporting statement. It would be for Members to decide whether the applicant's personal circumstances as reported to the Council is a sufficient

material consideration in the final planning balance to outweigh the harms which have been previously identified in this report for this proposal.

**B Other matters: Access, Ecology, Heritage, Design, Housing Mix, Affordable Housing (ULP Policies GEN1, GEN7, ENV1, ENV2, GEN2, H10 and H9).**

- 11.23 As already explained at the head of this report, the scope of permission in principle for a PIP application is limited to consideration of Location, Land use and Amount of development (Stage 1). As such, all other matters, including consideration of Access (e.g. technical aspects such as suitability of access), Ecology (where the site does not qualify as “Habitats development”), Heritage (namely consideration of impacts of the development on the adjacent conservation area, the setting of adjacent listed buildings and archaeological interests), Design, Housing Mix and Affordable Housing are all matters which cannot be considered at permission in principle stage and are required to be considered at Technical Details Consent stage (Stage 2) as advised by Paragraphs 003 and 012 of the NPPG.
- 11.24 It should be noted that a calculation of the site area shown edged in red for this application proposal by the Council has shown that the site has an area of 0.5013 ha. based on the Proposed Block Plan 1:500 drawing PAS/RL/PM/05 accompanying the application as opposed to the stated area in the application of 0.48 ha. The proposal would on this basis attract a requirement for either on-site affordable housing provision or off-site affordable housing contributions under ULP Policy H9 where this would have to be secured by a planning obligation whereby the applicant has stated that the proposed scheme “*could include one affordable (shared equity) unit*”. Paragraph 022 of the NPPG advises that planning obligations, including S106 agreements, cannot be secured at the permission in principle stage, but that LPA’s may agree obligations at the technical details consent stage where the statutory tests have been met.

## **12. CONCLUSION**

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

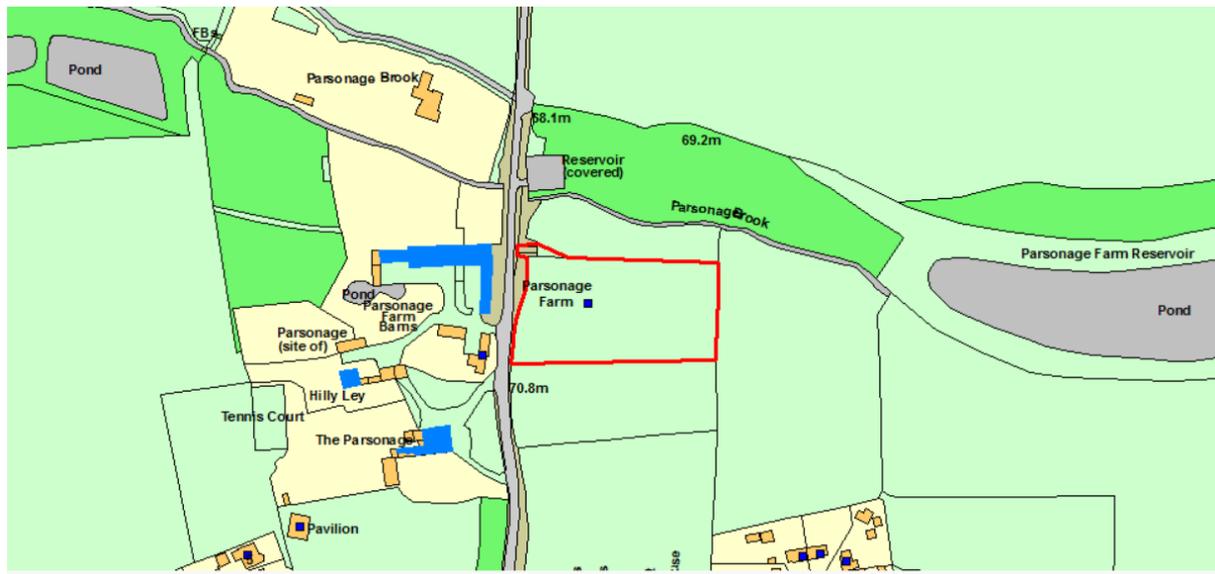
- A** The proposed development by reason of its location, land use and amount of development would not contribute to sustainable patterns of development in view of the level of rural amenity harm which would result from the development and in view of the site’s location away from the main linear settlement along a Class 3 road which does not have footpaths or street lighting contrary to ULP Policies S7 and GEN1 whereby the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal, including the provision of housing against the Council’s five year housing land supply, when assessed against the policies in the NPPF taken as a whole.

## **RECOMMENDATION – REFUSAL**

### **Refusal Reasons**

1. The proposed development would result in the urbanisation of the countryside thereby causing significant harm to the rural character of the area contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (NPPF) where the development does not need to be there and no special reasons have been put forward by the applicant. Furthermore, the

development would not contribute to sustainable patterns of development given the site's location away from the main linear settlement along a Class 3 road which does not have footpaths or street lighting contrary to ULP Policy GEN1 (e) of the Uttlesford Local Plan (adopted 2005). The adverse impacts of the development would therefore significantly and demonstrably outweigh the benefits of the proposal, including the provision of housing, when assessed against the policies in the National Planning Policy Framework taken as a whole.



Organisation: Uttlesford District Council

Department: Planning

Date: 12 OCTOBER 2020