

**UTT/20/2299/FUL (HATFIELD HEATH)**

(Referred to Committee. Reason: Called in by Councillor Lemon)

**PROPOSAL:**           **Erection of a fence**

**LOCATION:**           **Land East Of Friars Lane, Hatfield Heath, Hertfordshire**

**APPLICANT:**       **Mr Worrell**

**AGENT:**             **N/A**

**EXPIRY DATE:**     **26.02.2021 Extension of time**  
                              **11.11.2020**

**CASE OFFICER:**    **Mark Sawyers**

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**1.       NOTATION**

1.1       Outside Development limits  
          Within Metropolitan Green Belt  
          Article 4

**2.       DESCRIPTION OF SITE**

2.1       The site is situated on the east side of Friars Lane to the rear of Chelmsford Road and comprises a parcel of gently sloping private amenity grassland, consisting of approximately 0.75 ha, which lies behind the residential properties known as Oakhanger, and Heritage Cottage, with a field gate vehicular access onto Friars Lane.

2.2       Residential properties extend down the west side of Friars Lane, with further properties with long rear gardens extend along Chelmsford Road to the east of the site. Open countryside comprising gently rolling farmland lies to the south of the site beyond a stream.

2.3       The southern boundary of the site is partially screened by vegetation to this wider rural landscape.

**3.       PROPOSAL**

3.1       The proposal is seeking planning permission for the erection of a fence.

3.2       The site is irregular in shape and is approximately 0.75 hectares or 1.75 acres in size.

3.3       The fence would be constructed with chestnut posts at a maximum height of 1.5m from the ground, with a centre to centre distance between the posts of 1.8m.

3.4       Galvanised wire stock fencing would be stapled to the posts to a height of 1.15m with a single strand top wire running along the top of the posts.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

#### **5. APPLICANT'S CASE**

- 5.1 The applicant has provided the following in support of their application:

- Biodiversity Checklist
- Covering Letter

#### **6. RELEVANT SITE HISTORY**

- 6.1 UTT/13/2531/OP - Outline application for the erection of 3 no. single storey dwellings with all matters reserved except access, layout and scale (REFUSAL)

UTT/15/3109/FUL - Erection of 7 no. dwellings including new road and associated landscaping (WITHDRAWN)

UTT/15/3816/FUL - Erection of 7 no. dwellings including new road and associated landscaping (REFUSAL) (APPEAL DISMISSED)

UTT/18/1437/FUL - Erection of 8 no. detached dwellings with associated access from Friars Lane and the introduction of a new community orchard (REFUSAL)

UTT/19/0140/FUL - New residential development comprising the construction of 8 no. new dwellings, 4 of which would be affordable, associated access from Friars Lane, the introduction of a new community orchard and associated development (REFUSAL) (APPEAL DISMISSED)

UTT/19/1319/CLP - Change of use to a community orchard. New access road, planting, erecting production and storage building, erecting fencing, restoring pond (WITHDRAWN)

UTT/19/2173/CLP - Proposed planting of fruit orchard, erecting fencing and gates, restoring pond, maintaining and improving existing boundary trees and hedgerow. Forming hardened access (REFUSAL) (APPEAL DISMISSED)

UTT/20/2317/FUL - Formation of hardened access to allow all year round planting and maintenance (REFUSAL)

#### **7. POLICIES**

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

- 7.1 S6 – Metropolitan Green Belt  
GEN2 – Design  
GEN4 – Good Neighbourliness  
GEN7 – Nature Conservation

## **National Policies**

- 7.2 National Planning Policy Framework 2019 (NPPF)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Hatfield Heath Parish Council have objected to this application on a number points.

Their full objection can be viewed online, their summarised objections are listed below:

- Green Belt
- Outside village envelope
- Garden with nil use
- Attempt to circumnavigate appeal decision given in July 2020

## **9. CONSULTATIONS**

### ECC ECOLOGY

- 9.1 There are no Ecological objections to the proposed erection of a fence in this location. Essex County Council Ecology has been consulted and have no objection to the proposal subject to securing biodiversity enhancement measures on the site.

It is therefore concluded that the proposal subject to conditions accord with the above policies and guidance insofar as they relate to Nature Conservation.

### RECOMMENDED CONDITIONS:

- 9.2 A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures including details of native/wildlife friendly planting shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

### ECC CONSERVATION

- 9.3 The Conservation Officer has no objection towards the proposal.
- 9.4 The site in question is not near any Listed Buildings or within a Conservation area. It is therefore concluded that the proposal accords with the above policies and guidance.

## **10. REPRESENTATIONS**

- 10.1 6 Neighbours consulted – expired 08.10.20 – One representation received, neither objecting or in support of the application.
- 10.2 A summary of the points raised in the representations are:
- Was a tree survey carried out?
  - Are there any Protected Species in the area

### RESPONSE TO REPRESENTATIONS

- 10.3 A tree survey has not been carried out; however the Landscaping Officer has been consulted and has not made a comment on this application.
- 10.4 Ecology have been consulted and are satisfied that subject to mitigation measures, that the proposal is acceptable, and they have not raised any concerns regarding Protected species on the site.

## **11. APPRAISAL**

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

- A The principle of the development (Policy S6 and NPPF)
- B Whether the layout, design and appearance of the proposal is acceptable (Local Policy GEN2 and NPPF)
- C Impact to neighbours (Policy GEN2 and GEN4)
- D If there are any ecology issues would arise from the development (Policy GEN7).

### **A The principle of the development (Policy S6 and NPPF)**

- 11.1 The site is located outside the defined Development Limits of Hatfield Heath within the Metropolitan Green Belt as defined within the Uttlesford Local Plan (2005) which states that development will only be permitted if it accords with national policy on Green Belts.
- 11.2 Any development should preserve the openness or permanence of the greenbelt, and its scale, design and siting should be such that the character of the countryside is not harmed.
- 11.3 Paragraph 133 of the National Planning Policy Framework (NPPF) (2019) states that: “The Government attaches great importance to Green Belts. The

fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

- 11.4 In Paragraph 134 the five purposes of the Green Belt are laid out as follows:  
a) to check the unrestricted sprawl of large built-up areas;  
b) to prevent neighbouring towns merging into one another;  
c) to assist in safeguarding the countryside from encroachment;  
d) to preserve the setting and special character of historic towns;  
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”
- 11.5 Paragraph 144 states that: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 11.6 Whilst no very special circumstances have been advanced to support the proposal, the erection of a fence of this type is not considered to harm the openness of the Green Belt and would be something that you would expect to find in the countryside.
- 11.7 There have been no objections from ecology that the fence would cause any biodiversity issues with the site.
- 11.8 The principle of the development is acceptable with regard to Policy S6 of the Adopted Uttlesford Local Plan, and the NPPF with regard to the protection of the Green Belt.

**B Whether the layout, design and appearance of the proposal is acceptable (Local Policy GEN2 and NPPF)**

- 11.9 As referred to above, strategic policies require development to be compatible with a settlement’s character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.
- 11.10 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance of the locality. The site in question already benefits from a gate and fencing to the front of the site that faces onto Friars Lane. Fencing of this design and construction are to be found within its Green Belt and countryside setting. It is thought that in broad terms the scale, form and appearance of the proposal is acceptable and make use of materials that are considered to be acceptable.
- 11.11 The second criterion is that the development should safeguard important environmental features in its setting. Ecology have been consulted and have requested that a scheme of biodiversity enhancement measures be submitted to the Local Planning Authority and approved in writing before any works commence on the site. The site currently benefits from some hedging to its southern border and the applicants aim is to plant additional trees and hedgerow within the site. Therefore, it is considered to meet this criteria.

11.12 With regard to the appearance of the proposal within its street scene, the proposal is considered acceptable with regard to Policy GEN2.

**C Impact to neighbours (Policy GEN2 and GEN4)**

11.13 The site has two immediate neighbours; 'Oakhanger' located directly to the North of the site with 'Heritage Cottage' adjacent to that. Opposite the site to the West is the dwelling of 'Bramfields'.

11.14 The proposed location of the fencing is located along the Southern boundary of the site away from any of the neighbouring dwellings.

11.15 Due to positioning of the proposed fence and its design, there would be no material loss of amenity to neighbouring properties.

11.16 With regard to impact to neighbours, the proposal is acceptable with regard to Policy GEN2 and GEN4.

**D If there are any ecology issues would arise from the development (ULP Policy GEN7).**

11.17 The application includes a completed Biodiversity Checklist.

11.18 As advised, Essex County Council Ecology has been consulted and have no objection to the proposal subject to securing biodiversity mitigation and enhancement measures on the site.

11.19 It is therefore concluded that the proposal subject to conditions accord with the above policies and guidance insofar as they relate to Nature Conservation.

**12. CONCLUSION**

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

**A** The site is located outside the defined Development Limits of Hatfield Heath within the Metropolitan Green Belt. Due to the small scale and nature of the development there are no objections in principle.

**B** The design and materials of the proposal are acceptable in that they retain the openness of the Green Belt as much as possible and fencing of this type is something that you would see in the countryside setting.

**C** Due to positioning of proposed fencing along the Southern boundary of the site, there would be no material loss of amenity to the neighbouring properties.

**D** There is no evidence that the proposed development will have harmful impact to adverse impact on protected species.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

**Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

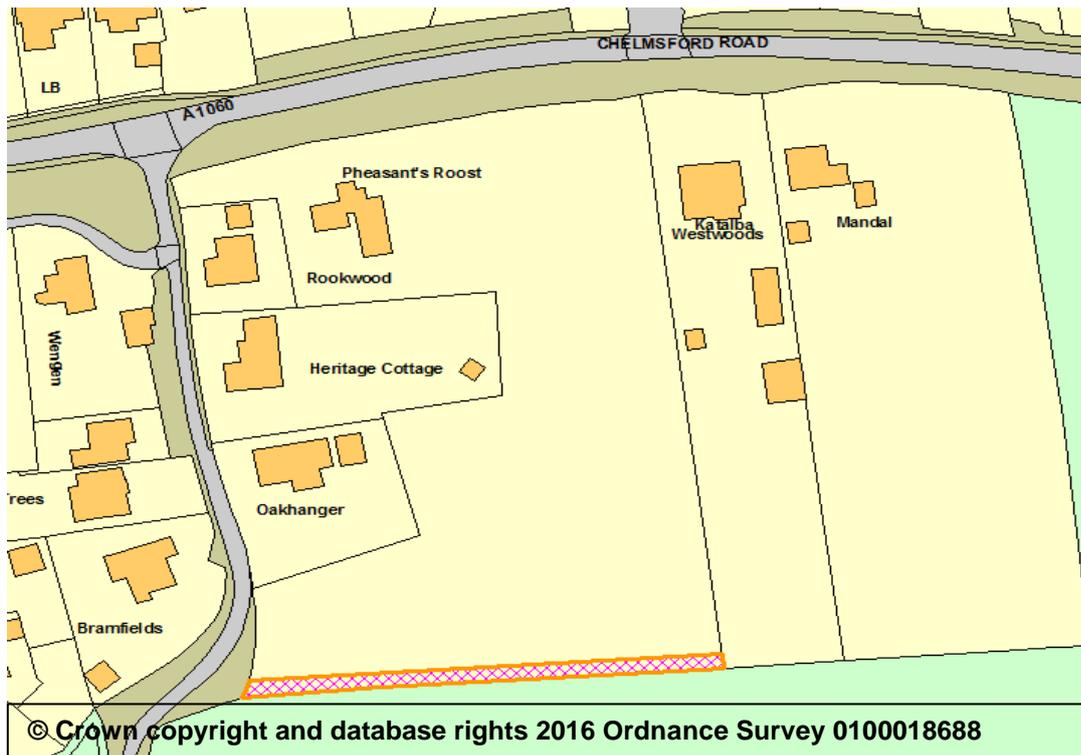
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures including details of native/wildlife friendly planting shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the Uttlesford Local Plan (2005).

3. The development hereby permitted shall be constructed entirely of the materials details of which are shown on the plan marked 'FENCE DETAILS' dated 16<sup>th</sup> September 2020, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development and the protection of the Green Belt, in accordance with Policies S6 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.



Organisation: Uttlesford District Council

Department: Planning

Date: 28 January 2021