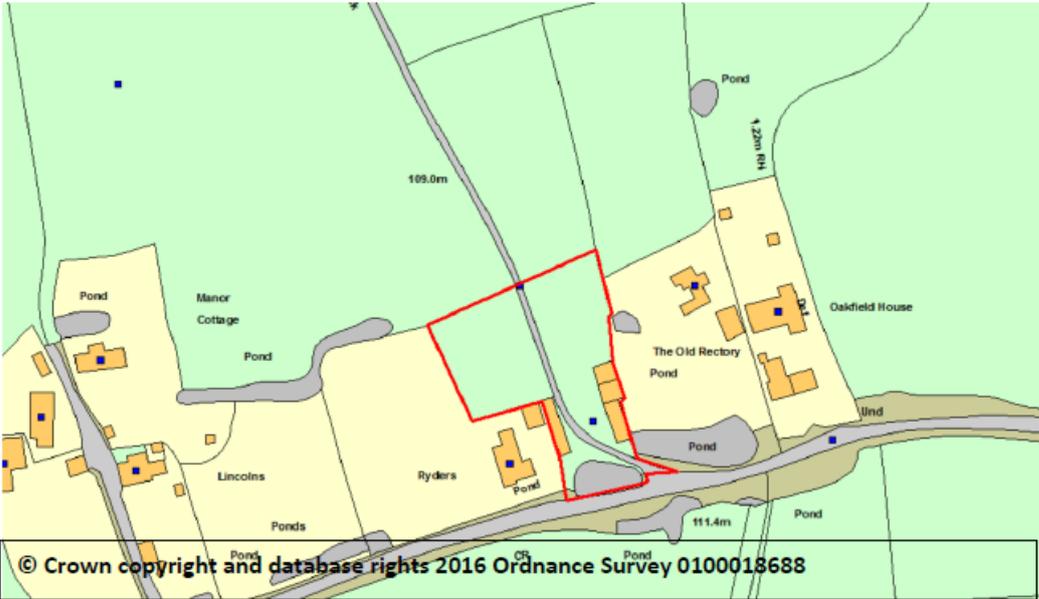


**ITEM NUMBER:**

**REFERENCE NUMBER: UTT/21/1994/FUL**

**LOCATION: Ryders Barns, Strethall Lane,  
Strethall, Essex CB11 4XJ**

**SITE LOCATION PLAN:**



Organisation: Uttlesford District Council  
Department: Planning  
Date: 15 OCTOBER 2021

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Organisation: Uttlesford District Council

**PROPOSAL:** Removal of existing barns and erection of 1 no. dwelling

**APPLICANT:** MR MICHAEL VANOLI

**AGENT:** MR MICHAEL VANOLI

**EXPIRY DATE:**

**CASE OFFICER:** HENRIETTA ASHUN

**NOTATION:** Outside development Limits  
Adjacent Grade II Listed Buildings

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**1. RECOMMENDATION: APPROVAL WITH CONDITIONS**

**1.2 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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. Prior to commencement of the development hereby approved, details of the following hard and soft landscaping works and boundary treatments shall be submitted to and approved in writing by the local planning authority and must be maintained as such in perpetuity. Thereafter, any potential changes shall be submitted to and approved in writing by the local planning authority;

Existing and retained features  
New and existing planting and trees  
Hard surfaces  
Boundary treatments (all boundaries of the site)

Thereafter, all hard and soft landscape works must be carried out strictly in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the

development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority. Thereafter, any potential changes in the future shall be submitted to and approved in writing by the local planning authority.  
REASON: To safeguard privacy (amenity) and to preserve the countryside character of the area, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, and the National Planning Policy Framework (2021).

4. Prior to first occupation of the development, the existing access shall be formalised at an appropriate angle to the carriageway, with a suitable vehicular crossing of the highway verge and shall be constructed in a bound material.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, in the interests of highway safety in accordance with the Policy GEN of the Uttlesford Local Plan (adopted 2005).

5. The proposed development shall not be occupied until such time as the vehicle parking area as indicated on DWG no. PL4(P-)04 Rev. A has been provided and shall be retained in this form at all times.

REASON: To ensure that appropriate parking is provided clear of the public footpath, in the interests of highway safety in accordance with the Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. The public's rights and ease of passage over public footpath no. 12 (Strethall) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with the Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

REASON: To record the in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

8. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted. The applicant shall submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI .

REASON: To record potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2021).

9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
- i. Safe access to the site;
  - ii. The parking of vehicles of site operatives and visitors;
  - iii. Loading and unloading of plant and materials;
  - iv. Turning of vehicles;
  - v. Storage of plant and materials used in constructing the development;
  - vi. Wheel and underbody washing facilities.
  - vii. Timing of construction and delivery vehicles to avoid school times  
i.e. 08:15 - 08:45am and 15:00 – 15:45am
  - viii. Appropriate monitoring of the surface of the byway during the construction period and repair any damage caused to the byway by vehicles associated with the development.

REASON: To ensure that the impact of construction on the by-way and surrounding network is limited and on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 and the NPPF 2021.

10. Prior to commencement of the development hereby approved, additional drawings that show details of the approved new windows, doors, eaves, verges and cills to be used by section and elevation between 1:20 and 1:1 (as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To protect and enhance the setting and significance of the designated heritage assets nearby, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, ENV2, the Essex Design Guide, s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (2021).

11. An investigation and risk assessment to assess the nature and extent of the contamination must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with policy ENV14 of the adopted Uttlesford Local Plan.

12. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify in writing the Local Planning Authority without delay and work must be halted on the part of the site affected by the unexpected contamination. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written Report of the findings shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of remedial measures, a Verification Report shall be prepared that demonstrates the effectiveness of the remediation carried out. Any land contamination identified, shall be remediated and verified to the satisfaction of the local planning authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policy ENV14, and the National Planning Policy Framework (2021).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the Local Planning Authority.

REASON: To prevent the site becoming overdeveloped and to protect the character of the countryside, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, and the National Planning Policy Framework (2021)

14. No construction above ground level shall be undertaken until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. Details shall be included in the scheme of the design, layout and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on insulation calculations provided in British Standard 8233:2014 and shall be designed to achieve the following noise targets: Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAmx. Living Rooms (07.00-23.00 hrs) 35 dB LAeq The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

REASON: In the interest of the residential amenity of future occupiers of the proposed development in accordance with ULP Policy ENV10 of the adopted Local Plan. Pre-commencement condition implementation: To ensure that occupants of the resulting development are not prejudiced by aircraft noise.

15. The dwelling approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the LPA adopted SPD “Accessible Homes and Playspace”.

- 16.** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Protected Species Scoping Survey (Cambridge Ecology, September 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 17.** A Precautionary Working Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts, nesting birds, foraging and commuting bats, Hedgehog, Common Frog and Toads, and Catmere (West) Special Roadside verge during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 18.** A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Protected Species Scoping Survey (Cambridge Ecology, September 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs to achieve stated objectives;
- Locations of proposed enhancement measures by appropriate maps and plans;
- Persons responsible for implementing the enhancement measures;
- Details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

19. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

20. Before development commences details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted for the written approval of the local planning authority. Thereafter the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained in perpetuity.

REASON: To protect the surrounding countryside and prevent pollution of the water environment, in accordance with ENV12 of the Uttlesford Local Plan (adopted 2005).

21. Prior to dwelling occupation the dwelling shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

## **2. DESCRIPTION OF THE SITE:**

- 2.1 The site is situated within a rural area on the north side of the single track lane known as Pipers Lane leading out westwards from Catmere End and comprises an irregular shaped parcel of land having an area of approximately 0.27 (ha).

- 2.2 The front section of the site is flat and glazed with a pond lying onto the frontage boundary, whilst a small grouping of old timber and corrugated roofed barns ("Ryders Barns") stand onto the site's western and eastern flank boundaries respectively with one of them having an open frontage and containing various building materials. The rear section of the site by way of comparison is open, gently undulating and set to meadow grassland with impressive views northwards across towards Strethall Church and Strethall Hall Farm situated beyond. A public right of

way comprising a well-defined track runs through the middle of the site from Piper's Lane down towards the church.

**2.3** Currently the buildings are being used for storage of building materials and stage sets.

**2.4** The Old Rectory, a grade II listed building set within generous grounds is situated to the immediate east containing a larger pond along the lane frontage adjacent to the pond at the front of the application site, whilst the frontage property known as Ryders Farmhouse, also a listed building is situated to the immediate west. A large eco-specified dwelling has been constructed on the former local haulage and oil storage depot known as Swans Yard. The enclave of dwellings along Pipers Lane as a whole is surrounded by extensive tree cover that visually distinguishes it from open countryside comprising agricultural land to the north and south. A number of road verges within proximity to the application site are protected for their biodiversity value.

**2.5** The site has a long-established commercial use which is no longer operational.

### **PROPOSAL**

**2.6** Full planning permission is sought for the removal of existing buildings (one large barn and two smaller interconnected barns) and for the construction and use of one new dwelling at Ryders Barn. The remaining existing barn (to the west) would be retained for ancillary use associated with the new dwelling and providing a screen along this boundary.

**2.7** The house comprises a four-bedroom, 2- storey dwelling with a Gross Internal Area of circa 210sqm.

**2.8** The property would be L-shaped with a wing to the front and an open-fronted double-parking cart lodge/shed alongside.

- Ground floor would provide: a living room, kitchen/dinner, utility area, WC, boot room and study.
- First floor would provide: 4 bedrooms (inc. 1 x en-suite) and a family bathroom.

**2.9** The existing timber building on the western boundary is to be retained as an ancillary barn to the new dwelling.

**2.10** The site access is from Pipers Lane. The proposals would retain and use the existing site vehicular access.

**2.11** Garden Areas: The main garden area would be to the north of the proposed dwelling and to the east of the north-south footpath. The other area would be to the west of the north-south footpath.

## **3. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **4. APPLICANTS CASE**

- 4.1** To support the application, the applicant has provided the following documents;
- Design and Access Statement
  - Planning Statement
  - Ecology Survey and Report
  - Protected Species Scoping survey
  - Arboricultural impact assessment
  - Biodiversity Checklist
  - Parking/Turning Plan
- 4.2** The applicant has cited that the existing commercial use has limited potential to create local employment, and the buildings themselves are unsuited for alternative commercial use without alteration or replacement, which would become necessary in the absence of a residential scheme. Therefore, the permanent cessation of commercial activity at the site would have a significant benefit to the local community by the removal of commercial vehicles using the local rural highway network perceived as a detriment to the local amenity.
- 4.3** The applicant makes the case that the level of harm resulting to the setting of the two adjacent listed buildings is held to be 'less than substantial harm' and to the very low end of this spectrum.
- 4.4** The applicant has explained that the public benefits derived from the scheme are:
- (i) the heritage benefit of improving the site and making the historic relationship between the buildings clearer
  - (ii) the benefit of providing a new house
  - (iii) the redevelopment of the site, with the replacement or repair of dilapidated buildings improving the visual amenity of the area;
  - (iv) the restoration of a previously developed site;
  - (v) the removal of a potential source of disturbance, particularly as the only commercial activity which could restore the buildings would be more disturbing;
  - (vi) the quality of the scheme, in particular how it fits into the hamlet and the countryside.
- 4.5** The applicant has also referred to a number of developments which have been approved in the Countryside in close proximity to the site. Namely the following:
1. Ref. No: UTT/20/3112/FUL Demolition of existing sheds and above ground swimming pool and erection of 1 no. detached one and a half storey dwelling Land At Woodside Cottage Catmere End Littlebury Saffron Walden Essex CB11 4XG
  2. Ref. No: UTT/17/0415/FUL Proposed new dwelling Adj. 6 The Glebe Ickleton Road Elmdon CB11 4LY
- Ref. No: UTT/14/1246/FUL Erection of new dwelling with outbuilding Swans Transport, The Elms Strethall Lane Strethall Saffron Walden Essex CB11 4XJ

## **5. RELEVANT SITE HISTORY**

- UTT/21/1172/PAQ3 - Prior Notification of change of use of agricultural building to 1 no. dwelling – Prior approval not required on 14.05.2021

- UTT/21/0384/FUL - Removal of Existing Barns and Erection of New Dwelling – Withdrawn on 18.03.2021
- UTT/14/3132/FUL - Removal of barns and the erection of 1 no. 2 storey detached dwelling – Refused on 06.05.2016 (Appeal Dismissed on the 24 December 2015)
- UTT/13/3123/FUL - 1 no. Dwelling – Withdrawn on 11.02.2014
- UTT/0309/79 - Outline application for a single dwelling - Refused on 11.06.1979
- SWR/0121/68 - Detached house – Refused on 13.06.1968

## **6. CONSULTATION RESPONSES**

### **6.1 HIGHWAYS**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

### **6.2 PLACE SERVICES- ECOLOGY**

No objection subject to securing biodiversity mitigation and enhancement measures.

#### Summary

We have reviewed the documents provided with this application including the Protected Species Scoping Survey (Cambridge Ecology, September 2020), Magic Maps <https://magic.defra.gov.uk> and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.

We are satisfied that there is sufficient ecological information available for determination.

The Protected Species Scoping Survey (Cambridge Ecology, September 2020) advises Catmere (West) Special Roadside verge a non-statutory site is situated close to the development boundary. Therefore, precautionary measures should be followed to reduce the risk of construction activities associated with the development adversely affecting the special roadside verge.

The Protected Species Scoping Survey (Cambridge Ecology, September 2020) advises there is suitable terrestrial habitat on site to support Great Crested Newt. Ponds in the local vicinity were considered to have poor potential to support breeding and the results of Natural England's rapid risk assessment indicated that, provided appropriate non-licensable mitigation measures for Great Crested Newts were followed, an offence was considered unlikely. Taking into consideration this information regarding Great Crested Newts (European Protected Species) we support the recommendation for a precautionary working method statement and recommend it is secured as part of the consent, this will provide certainty for the LPA of the likely impacts on Great Crested Newts. Furthermore, we recommend this should include details for other protected and Priority species that were identified as having potential to be on site, this includes nesting birds, foraging and commuting bats, Hedgehog, Common Frog and Toads.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

As the site is described as being suitability for commuting and foraging bats a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats. This must follow the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2018). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If Light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. This includes improving the condition of the pond, native hedgerow planting, new native trees, and a Meadow Mix for the grassland. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.

### **6.3 PLACE SERVICES – ARCHAEOLOGY**

No objection subject to conditions.

### **6.4 PLACE SERVICES – HERITAGE AND CONSERVATION**

The buildings affected by this application are located within the setting of several listed buildings such as The Old Rectory, Grade II listed (list entry number: 1221591); Riders Farmhouse, Grade II listed (list entry number: 1275079) and the Grade I listed, Church of St Mary The Virgin (list entry number: 1275078). A public footpath runs through the site and when viewing the site from the north, both Riders Farmhouse and The Old Rectory are visible in conjunction with one another. Furthermore, the Church of St Mary The Virgin which is separated from the site by open fields, has views to and from the application site.

There is a lengthy application history associated with the site, most recently with pre-application discussions following Prior Approval applications for the conversion of the existing buildings which established the principle of a form of development. However, it is now understood that Prior Approval for the conversion of the existing buildings has not been granted and therefore the principle has not been established. Thus, the proposal remains widely similar to the recently refused and subsequently dismissed at appeal application Ref: APP/C1570/W/15/3129757 in December 2015.

Whilst I recognise that the applicant has engaged with the Local Planning Authority and that the design of the proposed dwelling differs from previous, I do not consider this application to have overcome previous reasons for refusal and dismissal at the previous appeal. The demolition of the existing barns and the creation of a dwelling in this location is felt to inevitably result in an impact upon the setting of the heritage assets, particularly Ryders and The Old Rectory which flank the site. The proposed dwelling will likely be visible from Ryders and highly visible from The Old Rectory given the close proximity to the garden boundary of the listed building. The Inspector in the appeal stated that the proposals would significantly harm the setting of both heritage assets, Paragraph 196 of the NPPF (2019) being relevant. Furthermore, environmental factors such as light pollution, noise, general disturbance and diurnal changes should be taken into consideration when assessing the impact upon setting.

The Inspector considered that the impact of the proposals upon the setting of the Grade I Church would be slight and I agree with this assessment.

For the reasons given above, I am unable to support this application. The proposals 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. With regards to the NPPF (2019) this level of harm, this would be less than substantial, Paragraph 196 being relevant. This level of harm concurs with that stated within the submitted Heritage Statement.

## **6.5 HISTORIC ENGLAND**

No comment

Thank you for your letter of 18 June 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

## **6.6 Strethall Parish Council**

With certain minor amendments, this application amounts to a resubmission of application UTT/21/0384/FUL, which was withdrawn by the applicant, and application UTT/14/3132/FUL, which was refused and then dismissed at appeal in December 2015 (APP/C1570/W/15/3129757).

These design amendments address, in a minor capacity, previous comments/objections concerning the size and scale of the building. Nevertheless, the proposal remains otherwise essentially the same as the two previous applications. Therefore, comments submitted by the Parish in respect of application UTT/21/0384/FUL, in terms of its impact on environment, ecology and the local community, must now be repeated here. It is noted that the existing dilapidated barn on this site, which this development will replace, has (supposedly) been granted planning approval for change of use (purportedly from agriculture to residential dwelling) under Class Q permitted development. However, the correctness and legality of that approval has been called into question on the grounds that the application did not comply with the requirements of Class Q permitted development: i) because the barn did not have a previous agricultural use, and ii) because the building was physically

incapable of being converted into a two-bedroom house without complete demolition and rebuilding (as submitted in Parish comments on application UTT/21/1675/PAQ3).

Furthermore, the historic buildings and conservation advice provided by Essex County Council indicates that no such change of use approval has been granted. In its letter dated 1 July 2021 Place Services Historic Environment Team advise that, "it is now understood that prior approval for the conversion of the existing building has not been granted and therefore the principle [of permitted development] has not been established." Accordingly, whilst it could have been assumed that a 4 bedroomed house might have no more impact on issues of sustainability etc. than the 2 bedroomed dwelling permitted under Class Q, if that development permitted under class Q has not actually been granted or has been granted unlawfully, then the impact of a 4-bedroom house on ecology, sustainability and the detriment to public benefit is substantial and fully additional to existing circumstances.

With this in mind, Strethall Parish submits the follow objections to this application:

1. This application considered alongside the previously refused application UTT/14/3132/FUL

As noted above, this application is fundamentally the same as that submitted in 2014 in respect of its situation, proximity to historic listed buildings, size and scale, impact upon surrounding landscape and features and its failure to provide sustainable living. All of these are matters that the Planning Inspectorate cited as reasons for the appeal to be dismissed in its decision dated 24 December 2015.

The only meaningful amendments that Strethall Parish can find are those relating to the general appearance of the building, as achieved by the use of different external materials. However, the Planning Inspector had no issue with the materials proposed in 2014, whereas the raft of concerns raised by the Inspector at that time have not been addressed in the recent application.

2. Detrimental impact on Ecology and Biodiversity

The site is situated in a unique rural setting, rich in diverse vegetation and wildlife habitat, that has remained undisturbed for many years. The current barns are unobtrusive and surrounded by mature trees, dense ivy, scrubland and established wild meadow. The natural ponds, nearby watercourses and special protected roadside verge to the south of the plot acts as a haven for flora and fauna, including endangered species of Crosswort (*Cruciata laevipes*). There are regular sighting's of badgers in the vicinity and there is anecdotal evidence that the barns are used by bats for winter hibernation. It is likely that timber boarding to the barns will be used for maternal roosting in May and June. It is vital therefore that relevant surveys are undertaken. There are owls, frogs, toads, newts, water fowl and an array of mammals all in abundance within very close proximity.

The surrounding area is within a chalk stream environment, feeding into the Cam and Ouse, that is unique in the world. More specifically, and with reference to the UDC Minor Development Biodiversity Validation Checklist, the Parish would advise the following:

- i) There is a Special Roadside Verge within 100m of the proposed development.
- ii) There are badger sets within approximately 200m of the development and anecdotal evidence of bat roosts within the existing barns.
- iii) The barns proposed for demolition are pre-1914 buildings (showing on an OS map dated 1897) and within 400m of both woodland and water.
- iv) The barns are immediately adjacent to woodland and water.
- v) The development will require the felling, removal or lopping of: woodland; field hedgerows; old and veteran trees; mature trees with holes, cracks or cavities; mature trees covered with ivy.
- vi) The development is within 50m of woodland and meadow grassland.
- vii) The proposals include the demolition of a building where bats are known to be present

3. Detrimental impact on local infrastructure and failure to meet requirements for sustainable living. The concerns of the Planning Inspectorate raised in 2015 regarding sustainability are still relevant.

The public road that serves this part of Strethall is a narrow single vehicle width country lane that is a 'no through road'. There is limited turning capacity at the end of the lane, approx. 150 metres further on from the proposed development. Delivery vehicles for Ryders and The Old Rectory (including supermarket deliveries) must continue to the end of Strethall Lane in order to use this turning space or otherwise reverse their vehicles back to the junction at Catmere End. Because of access restrictions the same will apply for future deliveries to the proposed development. Dog walkers parking their cars at the end turning space exacerbate the situation.

Heating oil deliveries to 3 properties in Strethall have been refused because of this problem. The application refers to the use of home deliveries by supermarket operators - these will only add to the problem.

There is no public footpath, no street lighting, no mains drainage, no natural gas, no bus service and no local facilities such as convenience store or pub in Strethall.

In its report in 2015 the Planning Inspectorate referred to the inadequacy of a bus service that ran only once a day on two days per week. This service has since been discontinued and replaced with a very limited 'dial a bus' service. It is not surprising that the Inspectorate stated that the proposed dwelling would be isolated and "would rely on the car to a large extent."

It must be concluded therefore, that the following comments of the Planning Inspectorate in 2015 still hold true:

"The proposal would result in environmental harm and would not be socially sustainable";

"The benefits....and the energy saving measures proposed do not alter the generally unsustainable nature of the proposed development";

"Those weights in favour [of using a previously developed site] are not sufficient to outweigh the significant and great weights I give to the harms."

The lack of public benefit that derives from the scheme

The Application rightly refers to "a balancing exercise in which great weight is given to the 'less than substantial harm' to Ryders and The Old Rectory through effects on their setting." However, the applicant continues, "that weight must reflect this harm being at the low end of the spectrum."

Strethall Parish disputes this assertion; the revised Planning Policy Guidance (PPG), which helps to apply the policies of the NPPF, is clear that the terms of 'substantial harm' and 'less than substantial harm' should be considered as categories of harm rather than a specific description of harm level.

The PPG states that within each category of harm the extent of harm may vary dependent upon the effect on heritage assets. In a court judgement of 2019 it was decided that even limited or negligible harm was sufficient to fall in the category of 'less than substantial harm'.

Given the comments of the Planning Inspector therefore, as referred to in point 2 above, it is clear that within the category 'less than substantial harm' the effect of the proposed development on Ryders and The Old Rectory is actually at the very high end of the spectrum.

Given the above, the public benefits of the proposed scheme would need to be very substantial in order to out-weigh the harm described by the Planning Inspector. Strethall Parish disputes the benefits referred to in the application under paragraph 50 of the Planning Statement and addresses each in turn as follows:

i) Making the "historic relationship between the buildings clearer" means erecting an imposing and overbearing structure between two listed buildings, which already sit perfectly within a character setting. The development proposed does not provide heritage benefit and, as the Planning Inspector has made clear, the effect on the listed buildings can only be detrimental.

ii) In this instance, the benefit of providing a new house will only fall to the landowner and will not provide benefit to the community. There are many potential 'windfall' sites in more appropriate and sustainable locations. A 'windfall' site would be expected to provide many more dwellings than a single house in order to justify and out-weigh the harm described by the Planning Inspector.

iii) The current vernacular timber barns, which date back to the 19th century, actually enhance the historic setting in which the listed buildings are situated. Allowing historic farm buildings to fall into disrepair, and then allege that they spoil the visual amenity - so that planning approval might be granted for 'attractive' new housing in their place - does not provide public benefit in the long term.

iv) These timber barns, used for farm storage dating back to before 1897, yet unused for either agricultural or commercial purposes during the last 40 years, cannot be considered a 'previously developed' site.

v) The occupants of neighbouring properties can testify that movements to/from the existing dilapidated barn have been negligible since the previous planning application in 2014. It was also apparent that materials stored in the barn had been there for a considerable period of time. The term 'commercial use' cannot be attributed to the occasional or historic storage of timber, tiles and the like within a dilapidated 19th century agricultural barn. The daily comings and goings associated with a large residence would create far more disturbance than a timber barn that hasn't been put to proper use for the last 10 years.

vi) The size and scale of the proposal does not fit well into the hamlet and the countryside compared with the old timber barn that it would replace.

5. Conclusion Stretthall Parish considers that the comments of the Planning Inspectorate, when dismissing the appeal in 2015, still apply today. This development is wholly out of keeping with the nature and character of the surroundings - notably, the listed buildings referenced previously. Public benefits that derive from the scheme are negligible and any that can be identified are significantly out-weighted by the harms described within this submission and by the Planning Inspectorate.

**6.7** Call in from Cllr Neil Gregory

- Access
- Overlooking
- Overdevelopment
- Not in accordance with extant local plan.

**7. REPRESENTATIONS**

Representations were received from neighbouring residents, and the following observations have been made:

- Misleading statements
- Sensitive site
- Not subject to commercial activity
- Inaccurate plans
- Impact on historic buildings development curtilage
- Not a sustainable location
- No amenities
- Protected species on the site
- Negative urbanising effect
- Drain on water resource
- No community benefits
- Appeal decision still stands
- Deliberately misleading application process
- Overbearing
- Out of scale
- Detrimental to character of the area
- Loss of visual amenity
- Removal of trees no space for playing
- Substantial danger to historic hamlet
- Construction traffic
- Impact on narrow footpath
- Proximity of two ponds makes realignment of footpath difficult
- Historic route
- Flooding

**8. POLICIES**

**8.1 National Policies**

- National Planning Policy Framework 2021 (NPPF)

**8.2 Uttlesford District Local Plan 2005**

- S7 – The Countryside
- GEN1 – Access

- GEN2 – Design
- GEN4 – Good Neighbourliness
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- H1 – Housing Development
- ENV2 – Development affecting Listed Buildings
- ENV14 – Contaminated Land

### 8.3 SPD 2 Accessible Homes and Playspace

Other Material Considerations

- The Essex Design Guide
- Essex County Council Parking Standards
- UDC “Interim Climate Change Planning Policy” document

## 9 CONSIDERATION AND ASSESSMENT:

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

- A. Principle of development
- B. Housing land supply
- C. Heritage
- D. Design and amenity
- E. Highways
- F. Ecology and trees
- G. Other material considerations

### A Principle of Development

9.2 The property would be somewhat isolated however it would replace a dilapidated large barn building (which has no protection) with a building of outstanding design and provides a very much needed family home.

### 9.3 *Countryside*

The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. Policy S7 was subject to a Framework Compatibility Assessment (July 2012), concluding that it was consistent with the NPPF.

9.4 The National Planning Policy Framework (NPPF 2021) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

9.5 As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

- 9.6** Social: This relates to supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 9.7** Recent case law Braintree DC v SSCLG [2018] EWCA Civ. 610 which considers the definition of an isolated dwelling, and gives further clarification to its definition. The development whilst not being within any defined development boundary, is not considered to be an isolated dwelling due to the adjoining nature of the dwelling to the boundary line, as well as the location of other dwellings either side and opposite it.
- 9.8** Uttlesford must be viewed in the context of being a rural district affording limited access, albeit the site is accessible. A bus stop is located less than a mile away from the application site, which can be accessed via road or public footpath, with routes to surrounding villages of Littlebury, Newport and Saffron Walden. Littlebury is located circa 2 miles away and provides amenities. Saffron Walden town is located circa 4 miles away. Audley End railway station is located circa 3 miles away. Furthermore, planning permission was granted for a house in close proximity to the site (UTT/14/1246/FUL- Erection of new dwelling with outbuilding Swans Transport, The Elms Strethall Lane Strethall Saffron Walden Essex CB11 4XJ).
- 9.9** The development would provide one new dwelling which is of importance, as the Council is unable to demonstrate a deliverable 5-year supply of housing land.
- 9.10** Economic: The development will deliver a moderate economic role by the creation of small -scale employment during the construction phase and the occupier(s) of the houses would contribute to the local economy in the long term, as such there would be some limited, positive economic benefit. The proposed development will also have a direct beneficial impact on the local economy and economic development in terms of the proposed self-build, sustainable construction and sourcing of local materials.
- 9.11** Environmental: The site is outside of the development limits however it is noted however that the site is already built up and comprises previously developed land. A new build development would not result in harm to the character and appearance of the open countryside nor would it result in an erosion to the countryside rural appearance.
- 9.12** The proposed development would result in a built-up form adjacent to an existing settlement which would have a minimal impact on the character, appearance and open form of the countryside.
- 9.13** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered) permission should be granted unless “ *i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 7 ; 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*”.
- 9.14** Therefore, a balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause ‘significantly and demonstrably’ outweighs the potential positive outcomes of

the development as a whole. The scheme does provide for a single dwelling house, and would replace existing structures on the site which would provide a modest level of economic benefit. This weighs in favour of the development. The location of the site is in relative proximity to amenities and services; nevertheless, it is outside of the development boundary, and some distance away from the nearest Town Centre, and thus having a neutral benefit/impact. The scale and massing of the property with its 'barn style' appearance and spacious garden would limit any potential harm on the open character of the countryside. Therefore, any harm caused on the open character and appearance of the countryside would be limited and can be mitigated against.

**9.15** In conclusion, the limited potential harm would be outweighed by the positive outcomes of the development as demonstrated above.

**9.16** *Brownfield Site*

Paragraph 119 of the NPPF states: "*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land*".

**9.17** The above demonstrates that brownfield land should indeed be promoted in meeting the needs for homes, however this should not conflict with other policies in the Framework. It was established by a recent Judicial Review request of the that the UTT/21/1172/PAQ3 was wrongfully issued as the site is not solely used for agricultural purposes as the site has a lawful use for the storage of building materials and stage furniture as per planning permission UTT/0672/92. This has been acceptable by UDC and thereby application UTT/21/1172/PAQ3 cannot be lawfully implemented but has identified that the application site is in fact brownfield land, which can in fact be lawfully used for more intense Class B8 storage distribution.

**9.18** The dwelling would be sited on land which is currently occupied by a permanent structures. More specifically, the footprint of the existing buildings found on the east side of the site, which comprises the existing buildings running north-south will be demolished and replaced with the proposed development.

**9.19** At present, the structures abut the eastern boundary. The proposals increase the separation from the eastern boundary with a set -in of approximately 1m.

**9.20** **Planning History**

Following the refusal of the 'previous planning application' UTT/14/3132/FUL and subsequent appeal, the following changes have been made:

- Rural 'barn like' appearance
- Reduced domestic appearance
- Reduced form (the footprint has been reduced by 31 m2)
- Height reduction (the height has been lowered by 1m)
- The floorspace has been reduced (the floorspace has been reduced by 48.5 square metres)
- Shuttering system (ground floor and first floor windows)

The appeal decision and Inspectors comments will be referred to in this report.

The table below demonstrates the key changes within each planning application relevant to the proposed development:

	Original Barn (pre 1992)	Existing Barn (post 1992)	UTT/13/3123 /FUL Withdrawn)	UTT/14/3132 /FUL Refused & Dismissed)	UTT/21/0384 /FUL (withdrawn)	UTT/21/1994/ FUL (Current proposal)
Footprint (excl. car port) (m2)	217 m2	147	190	144	125.5	113 m2
Height (m)	5.7 m	5.7 m	7.8 m	7.6 m	7.1 m	6.6 m
Gross Internal Floor Area (m2)			335 m2	265 m2	234.5 m2	216.5 m2

The proposed development differs to the appeal scheme in terms of its dimensions.

When comparing the existing barn (which has been reduced since 1992) to the new proposed house, it provides an indication of the key differences as follows:

- The footprint is reduced by 34 m2
- The height is increased by 0.9 m

	Existing Barn	Proposed new dwelling
Footprint	147	113
Height	5.7	6.6

It is considered that the planning history and appeal decision are a material consideration in the determination of this planning application. It is considered that the proposed development is differs from the previous planning refusal and appeal decision.

## B Housing Land Supply

**9.21** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 20101 (January 2021), the Council's housing land supply is currently 3.11 years of supply. For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land. As such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 of the NPPF must be applied.

**9.22** It should be observed that at the time of the appeal decision the Council had a 5-year housing supply, therefore the titled balance in favour of housing did not apply. The Inspector stated: "*The Council says that it has a five year supply of deliverable housing sites and on this basis there is no need for the proposal to help address any shortfall in the supply of housing*". Therefore, this change in circumstances is a material consideration as is the fact that the site is now deemed to be brownfield land.

**9.23** The applicant is also seeks a self-build programme, where specialist and sub-contractor trades are called upon when required, and where possible these would be locally-based contractors throughout the construction process. The Government supports the self-build and custom housebuilding sector and considers it has an important role to play in boosting housing supply. The relevant Planning Practice Guidance, 'Self-build and custom housebuilding' states in paragraph 16a that "self-

*build or custom build helps to diversify the housing market and increase consumer choice”.*

- 9.24** The proposed development would contribute to the provision of housing in the district where there is an evident need, and the balance is tilted in favour of the provision of housing.

**C Heritage**

- 9.25** The buildings affected by this application are located within the setting of several listed buildings such as The Old Rectory, Grade II listed (list entry number: 1221591); Riders Farmhouse, Grade II listed (list entry number: 1275079) and the Grade I listed, Church of St Mary The Virgin (list entry number: 1275078). A public footpath runs through the site and when viewing the site from the north, both Riders Farmhouse and The Old Rectory are visible in conjunction with one another. Furthermore, the Church of St Mary The Virgin which is separated from the site by open fields, has views to and from the application site.
- 9.26** Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*
- 9.27** The Heritage Officer considered that the proposed development would result in an impact upon the setting of the heritage assets, particularly Ryders and The Old Rectory which flank the site. With regards to the impact to the setting of the listed buildings, the proposed dwelling will be between circa 27m-37m from the listed buildings. Currently, the existing dilapidated structures are considered to detract from the listed buildings.
- 9.28** The Inspector considered the previously refused scheme would harm the setting of the nearby listed buildings by reason of its height and bulk. The Inspector stated *“Because the proposed dwelling would be much higher than the retained barn it is likely that it would be visible from Ryders and from its garden to some extent. The proposal would be large in comparison to that listed building and would have a generally dominant effect. For these reasons the proposal would significantly harm the setting of Ryders”.*
- 9.29** The Inspectors statement above is no longer applicable to the proposed scheme. The proposed dwelling has been reduced in height by 1m, from 7.6m to 6.6m high and it is only marginally higher than the existing barn by 0.9m.
- 9.30** The Inspector also noted *“The bulk of the proposed dwelling would also be particularly apparent in close proximity to the garden boundary of the listed building”.* This bulk has now been reduced.
- 9.31** The Inspector does conclude that the proposed dwelling would unacceptably harm the character and appearance of the area, however he stated *“I give significant weight to that harm in view of the size and visibility of the proposal in comparison to the existing barns”.* The size and visibility of the harm have since been reduced, therefore it is considered that the Inspectors concerns are overcome through the submission of this new planning application.
- 9.32** It is also observed that the Heritage officer considers that environmental factors

such as light pollution, noise, general disturbance and diurnal changes should be taken into consideration when assessing the impact upon setting. It is considered these have been mitigated against through the proposal and use of conditions to ensure light pollution is minimised and the design of the fenestration and shutters. The noise would not be dissimilar to the existing residential properties in the vicinity.

**9.33** The Heritage Officer has stated that they do not support the application, on the basis that the proposals *“in their 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. With regards to the NPPF (2021) this level of harm, this would be less than substantial. Paragraph 196 being relevant”*.

**9.34** *Less than substantial harm*

Paragraph 201 of the NPPF states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

**9.35** The applicant has put forward the following wider public benefits of the proposal:

- (i) the heritage benefit of improving the site and making the historic relationship between the buildings clearer
- (ii) the benefit of providing a new house
- (iii) the redevelopment of the site, with the replacement or repair of dilapidated buildings improving the visual amenity of the area;
- (iv) the restoration of a previously developed site;
- (v) the removal of a potential source of disturbance, particularly as the only commercial activity which could restore the buildings would be more disturbing;
- (vi) the quality of the scheme, in particular how it fits into the hamlet and the countryside.

**9.36** As such, the evident ‘less than substantial harm’ must be balanced against the benefits. It is considered the provision of a family dwelling house and the restoration of a brownfield site would constitute wider public benefits in terms of its contribution to housing supply, economic benefits (direct and indirect) and overall contribution to sustainable development of this brownfield site.

**9.37** On balance, it is considered that the need for the development and public benefits would outweigh the less than substantial harm to the heritage assets. No heritage objections are therefore raised under ULP Policy ENV2 and in accordance with the NPPF. Conditions are recommended prior to the commencement of the development regarding external finishes and fenestration details, should planning permission be granted.

## **D Design & Amenity**

**9.38** Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
- c) It provides an environment, which meets the reasonable needs of all potential users.

- d) It helps to reduce the potential for crime;
- e) It helps to minimise water and energy consumption;
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- g) It helps to reduce waste production and encourages recycling and reuse.
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

- 9.39** Paragraph 126 of the NPPF states that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”.
- 9.40** The design quality of the proposal should be duly considered in the overall planning balance. The house is designed to be an agricultural building/rural barn with traditional detailing, to echo the sites original use and the character of the area, with a contemporary element. The fenestration has limited glass, timber shutters and screens. The materials proposed include timber frames, vertical boarding and a shallow roof pitch (zinc or tern coated metal standing seam finish).
- 9.41** Pipers Lane is not considered to have an established building line, however the property is set back from Ryders to follow the existing local stagger.
- 9.42** The actual bulk and mass has been substantially reduced from the previously refused planning application ref. UTT/14/3132/FUL. The ridge line has been lowered and would appear subservient to the Ryders and The Old Rectory. The footprint is smaller than the existing footprint and has also been reduced compared to the previously refused scheme ref. UTT/14/3132/FUL.
- 9.43** The applicant has proposed the following sustainability measures:
- Ground source heat pump
  - Rainwater harvesting system (for use by WC)
  - High-performance double-glazed windows and doors, with draught resistant seals (allowing larger openings to maximise the amount of natural daylight and thus reducing the dependence on artificial lighting)
  - Insulation levels proposed will exceed those detailed in the current Approved Documents Part L and will be in line with Passivhaus standards
  - Waste water heat recovery system (for bathroom hot water appliances)
  - Dual flush units (for WCs)
  - Electrical Charging Point(s)
  - Sustainable construction
  - Materials -locally sourced, where possible

This would be in line with the Interim Climate Change Policy (2021).

- 9.44** As noted above, the footprint of the proposed development is smaller than the existing structures to be demolished. The overall height has been increased marginally by 0.9m, but remains subservient in the local and immediate context. The overall scale, layout and massing of the proposed development is considered acceptable. In addition, the muted colours and bespoke timber framed structure provide mitigation. The applicant has gone beyond the standard sustainable

measures for a single dwellinghouse and is seeking to provide an exemplar scheme. Overall, it is considered that the design of the scheme is of a high standard and conditions are recommended to ensure the build of the scheme remains as such in accordance with Local Plan Policy GEN2, the NPPF and the Interim Climate Change Policy (2021).

**Standard of accommodation**

- 9.45** The proposed dwelling is self-contained and exceeds the Nationally Described Space Standards (NDSS). The garden area(s) also exceed standards minimum requirements of Essex Design for 3 bedroom plus homes.
- 9.46** The proposed house will have a triple aspect. All habitable rooms will have access to a window and natural ventilation. The applicant seeks to maximise the potential for natural ventilation and reduce solar gain to prevent over heating in summer months and light pollution to the surrounding area. A refuse storage area is proposed near to the single-storey element to the south of the Cart Shed. It is considered that the proposed development would provide a high standard of accommodation for future occupiers.
- 9.47 Amenity**  
Policy GEN2 of the Local Plan states seeks to ensure that design of new development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 9.48** On the western elevation facing Ryders there is a single first floor bedroom window set in from the side boundary by approximately 16 metres, and 28m from Ryders side flank wall. The ground floor fenestration facing west would be screened by the existing structure to be retained on site, and the neighbouring garage which abuts the western boundary of the application site. Other fenestration is positioned on north and south elevations, away from neighbouring occupiers.
- 9.49** On the eastern elevation facing The Old Refectory, no windows are proposed. The building would be set in 1m from the boundary which is an improvement on the current situation where the existing structure straddles the boundary. The proposed house would be circa 37 m away from the nearest side flank wall of The Old Rectory. The proposed internal layout and the position of first floor window would avoid openings directed towards or close to the neighbouring houses.
- 9.50** It is considered that the extensive separation distances afforded are sufficient to prevent any undue loss of amenity by way of overlooking, loss of privacy or a loss of daylight or sunlight. Furthermore, the proposed development at 6.7m high has been reduced in height from the previous refusal/appeal dismissal, which in turn would minimise any impact.
- 9.51** A lighting scheme has been sought which will ensure any potential light pollution would be controlled. The fenestration has been designed with timber shutters and screens to reduce any risk of light pollution and contribute to the aesthetics. It is considered that this feature would further mitigate any potential impacts regarding light pollution. It is recommended that the detail of the fenestration and associated mechanisms be submitted and approved.
- 9.52** Given that the adjoining properties are in residential use, it is not considered that the proposed house would cause any detriment in terms of noise and disturbance.

More so it is considered that the proposed use is an improvement on the lawful commercial use of the site.

- 9.53** Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall, the scheme complies with Policies GEN2 and GEN4 of the Local Plan.

## **E Highways**

- 9.54** A public path runs via this access northwards through the site and adjoining farmland to connect with Strethall Church. This public right of way would be maintained and unaltered.
- 9.55** Access to the site shall remain as existing and the proposed parking will not be on the existing footpath, to ensure no obstruction occurs.
- 9.56** 3 parking spaces are proposed within the site comprising 2 cart lodge parking bays and 1 external space within the site.
- 9.57** The highways authority has reviewed the application and raise no objections subject to conditions which ensure that public footpath no. 12 (Strethall) is maintained free and unobstructed at all times; the existing access is formalised; and the parking area is provided.
- 9.58** The proposal therefore accords with ULP Policies H4, GEN1 and GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2021, the Essex Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013).

## **F Ecology, Trees, Landscaping**

- 9.59** Policy ENV3 (open spaces and trees) seeks to ensure that trees and open spaces are not lost unless the need for development outweighs their amenity value.
- 9.60** The applicant has submitted landscape proposals with the application. The proposals would include for new boundary treatment; native hedging with an alternating line of single native trees replicating the current vegetative pattern on the eastern boundary. The parcel of land to the west will be retained as a wildflower meadow. The mature native planting to the site boundaries are proposed to be retained, with additional planting. The area immediately in front of the building will be hard surfaced comprising loose gravel, although the details are recommended to be secured by condition.
- 9.61** As part of the withdrawn application, UTT/21/0384/FUL, UDC's Tree and Landscape Officer was consulted and raised no objection to the proposed 'no-dig' method of construction due to the close proximity of a tree located in the boundary of The Old Rectory.
- 9.62** It is considered that the landscaping proposals would contribute to the high-quality design. A robust hard and soft landscaping scheme has been recommended to be submitted and approved by the LPA to protect the open character of the countryside, enhance the proposed development and safeguard and protect the amenities of the neighbouring occupiers.
- 9.63** The NPPF no longer has a presumption in favour of sustainable development where ecology will be unduly harmed. Paragraph 175 (a) states "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on*

*an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*"

- 9.64** The applicant proposed the following biodiversity measures: landscaping proposed seeks to attract bees, butterflies, pollinators and consumers of insects. The northern and eastern boundaries will also have native hedging which will act as a screen for the site and provide an ecological link between areas along the site boundary.
- 9.65** The application was supported by an ecological report. The Ecology Officer raises no objections subject to conditions mitigating and securing biodiversity enhancement measures.
- 9.66** Subject to the referenced conditions in their consultation response, the proposal accords with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2021.

## **G Other Matters**

### **9.67 Archaeology**

Policy ENV4 seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. ECC Archaeology have reviewed the application and request conditions that the existing structures should be recorded prior to demolition/conversion as they form part of barn associated with the historic farmstead of Riders/ Parsonage Farm. As such conditions are recommended.

### **9.68 Contamination**

Due to the existing and previous use of the site, a condition has been recommended to ensure that investigation and risk assessment is carried out to assess the nature and extent of the contamination. Furthermore, if any unidentified contamination is identified during construction works shall cease and the LPA must be notified.

- 9.69** Subject to these conditions, the proposal is considered to accord with ULP Policies ENV11 and ENV14 of the Uttlesford Local Plan 2005 and the NPPF 2021.

## **10. EQUALITIES Equalities Act 2010**

- 10.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **11. CONCLUSION**

**11.1 A** The presumption in favour of sustainable development applies under paragraph 11(d) of the NPPF as material policies of the development plan are out of date. The proposal would provide a much needed home on a brownfield site.

**B** The proposed development would contribute to housing supply in the district which would weigh in favour of the development.

**C** The development would be acceptable in terms of its assessed impact upon the setting of the adjacent grade II listed buildings subject to appropriate conditions, including the approval of external materials (NPPF, ULP Policy ENV2).

**D** The proposal would provide a high standard of design and layout subject to conditions and is not considered to unduly detract from the amenities of the adjoining occupiers (GEN2, GEN4, NPPF).

**E** The development would be acceptable in terms of highway safety and against adopted UDC parking standards subject to highway conditions (ULP Policies GEN1 and GEN8).

**F** The development would be acceptable in terms of ecological impacts on protected and priority species subject to appropriate mitigation and biodiversity enhancement measures conditions. The impact on trees is considered acceptable and the landscaping is well considered and appropriate for the site (ULP Policy GEN7, ENV3, NPPF).

**G** The proposal would have an acceptable impact on archaeology and would not cause any undue contamination subject to conditions (Policy ENV4 and ENV14).

**11.2** It is therefore in consideration of all the material considerations it is recommended that the application be approved subject to conditions.