



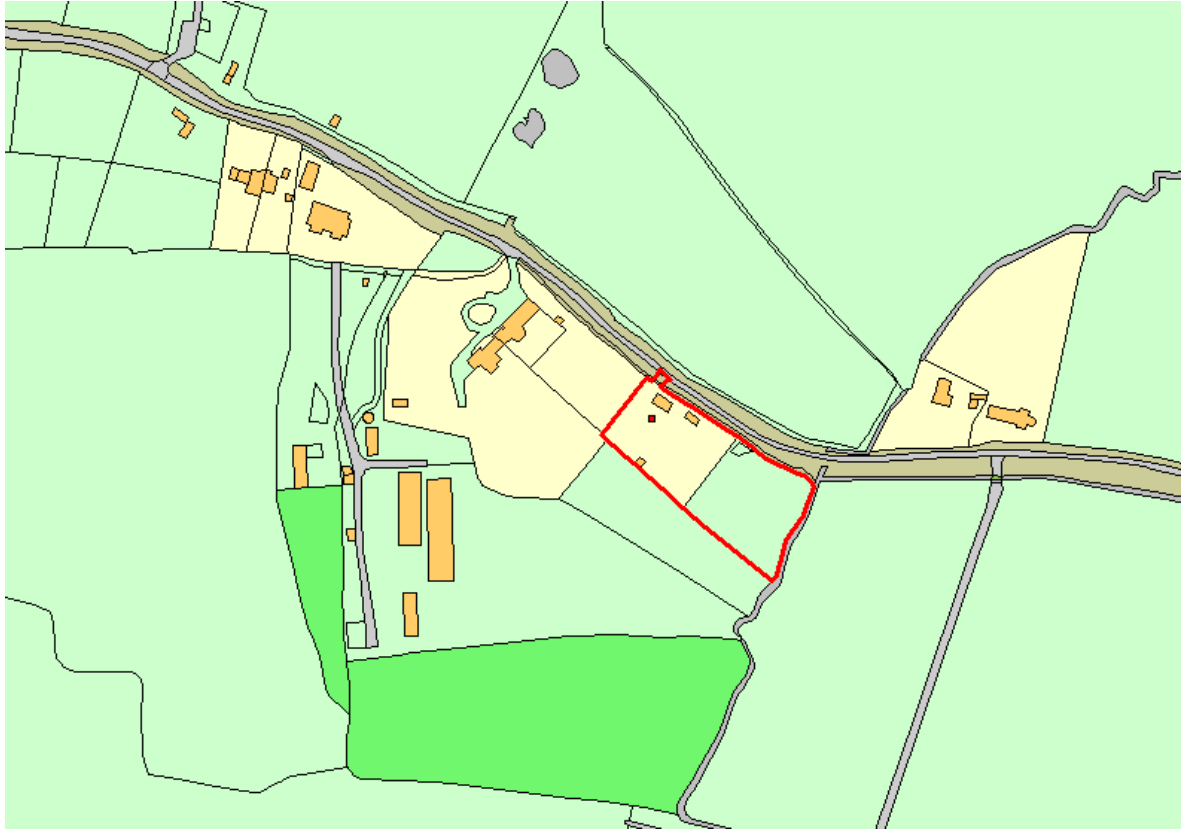
ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 22 November 2023

REFERENCE NUMBER: UTT/23/2141/FUL

LOCATION: Land South Of Cornells Lane
Widdington

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 03 November 2023

PROPOSAL: Demolition of existing stables and buildings. Erection of detached dwelling with wildflower meadow and planting.

APPLICANT: Miss T Gilder

AGENT: Mrs L Carpenter

EXPIRY DATE: 20 October 2023

EOT EXPIRY DATE: 27 November 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Within Historic Landscape (Widdington).
Protected Lane (Widdington – Cornells Lane).
Within 6km of Stansted Airport.

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Hargreaves).

1. EXECUTIVE SUMMARY

1.1 This a full planning application for the demolition of existing stables and buildings and the erection of a detached dwelling with wildflower meadow and planting. The application does not propose any affordable units.

1.2 The development site is located outside development limits. As the proposals cannot be tested against a fully up-to-date Development Plan, and despite the LPA's 5YHLS surplus (including the necessary 5% buffer), paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.

1.3 The planning balance under paragraph 11(d)(ii) of the NPPF is not in favour of the proposal. The proposed development would harm to the open and rural character and appearance of the area.

1.4 It has been concluded that the benefits of the development would not significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be refused.

2. RECOMMENDATION

REFUSE for the reasons set out in section 17.

3. SITE LOCATION AND DESCRIPTION

3.1 The application site comprises open land with some outbuildings, hardstanding and fencing, located outside development limits to the east of Widdington. The site has an existing access to Cornells Lane, which is a Protected Lane that is important in terms of biodiversity, diversity and group value. The overall area contains a distinct open, rural countryside character with open land to the north and east of the site, as well as more open meadow land to the south and south-west of the site (followed by a woodland area further to the south). Two semi-detached dwellings are located 63m to the west of the site. The site is located on the approach of a small housing cluster.

4. PROPOSAL

4.1 This a full planning application for the demolition of existing stables and buildings and the erection of a detached dwelling with wildflower meadow and planting. The application does not propose any affordable units.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Ecological survey and assessment
- Planning statement including transport.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/22/2825/OP	Outline application with all matters reserved except access for demolition of existing buildings and for the erection of 1 no. detached dwelling and garage.	Refused (20.12.2022).

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion

enables better coordination between public and private resources and improved outcomes for the community.

- 7.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this application. No statement of community involvement has been submitted prior to the submission of this application. However, the application states that it has been formulated following discussions with local people, including the ward councillor¹ and that the dwelling has been designed in a barn style conversion as that was the opinion expressed locally when the applicant consulted following the refusal².

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1 No objections subject to conditions (see full response in Appendix 1).

9. PARISH COUNCIL COMMENTS

- 9.1 The Parish Council commented as follows:

Object:

- Widdington Parish Council object to this planning application as it is outside the village's development envelope that is based around the high street area of the village. This would lead to further development on Cornell's lane which is a registered protected lane.
- The village has few amenities (pub and village hall) and very restricted access to public transport (1 bus per hour).

10. CONSULTEE RESPONSES

10.1 UDC Landscape Officer/Arborist

- 10.1.1 No objections unconditionally.

10.2 Place Services (Ecology)

- 10.2.1 No objections subject to conditions.

10.3 Safeguarding Authority for Stansted Airport

- 10.3.1 No objections subject to conditions.

10.4 National Air Traffic Services (NATS)

- 10.4.1 No objections unconditionally.

¹ Planning Statement including Transport, paragraph 1.06.

² Planning Statement including Transport, paragraph 3.19.

11. REPRESENTATIONS

- 11.1** A site notice was displayed on site and notification letters were sent to nearby properties. No representations have been received beyond the response from the Parish Council (at the time of writing this report).

12. MATERIAL CONSIDERATIONS

- 12.1** In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

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

12.3 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport, Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV9	Historic Landscapes
	ENV10	Noise Sensitive Development
	ENV11	Noise generators
	ENV12	Protections of Water Resources
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

13.3 Neighbourhood Plan

13.3.1 There is no 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development / character and appearance**
 - B) Heritage impacts / Climate change**
 - C) Residential amenity**
 - D) Access and parking**
 - E) Ecology**
 - F) Contamination**
 - G) Archaeology**
 - H) Flood risk and drainage**
 - I) Planning balance**

14.3 A) Principle of development / character and appearance

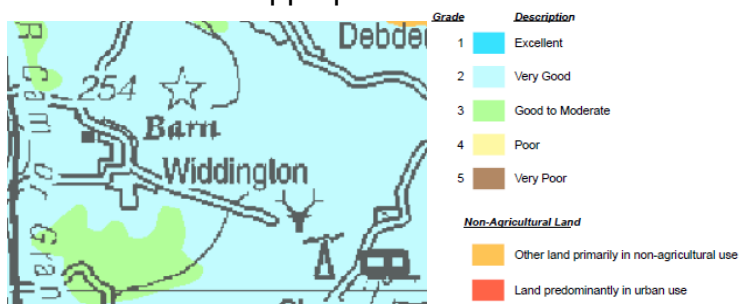
14.3.1 Housing land supply:
 The development site is located outside development limits, within the countryside. The local planning authority (LPA) published in October 2023

a 5-Year Housing Land Supply (5YHLS) figure of **5.14 years**³; this figure includes the necessary 5% buffer. That said the LPA's Development Plan cannot be viewed as being fully up to date, and as such, paragraph 11(d) of the National Planning Policy Framework (NPPF, 2023) is still engaged, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would significantly and demonstrably outweigh the benefits.

14.3.2 Applying policies S7, GEN2, ENV5 and GEN1(e) in conjunction with paragraph 8 of the NPPF (economic, social, environmental):

Best and most versatile agricultural land:

The site comprises Grade 2 ('Very Good' quality) agricultural land, being part of the district's best and most versatile agricultural land (BMV). The loss of BMV land conflicts with policy ENV5 of the Local Plan. Notwithstanding that policy ENV5 is consistent with paragraph 174(b) of the NPPF, this conflict is afforded limited weight as there is plenty of BMV land in the locality. However, policy ENV5 is indicative of the Local Plan's spatial strategy that seeks to direct development to more sustainable locations in the district with appropriate levels of services and facilities.



14.3.3 Economic benefits:

The proposal would provide a modest contribution towards the wider local economy during construction, via potential employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.4 Location – Isolation, Infill:

Recent case law⁴ defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. In light of recent appeal decisions in the district and the applicant's submissions, the LPA would concede on this point and acknowledge that the application site is **not** isolated.

³ Previously at 4.89 years in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

⁴ Braintree DC v SSCLG [2018] EWCA Civ. 610.

Notwithstanding that the closest dwelling (no. 1 Malthouse) is located 63m away, the application site sits on the approach to one of the housing clusters at the eastern periphery of Widdington. Paragraph 80 of the NPPF does not apply.

14.3.5 Paragraph 6.14 of the Local Plan allows “*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*” if the development is in character with the surroundings and have limited impacts on the countryside. By reason of the site’s position with the closest dwelling 63m away, the site is not an infill opportunity, as it is not a gap and it is not within a small group of houses.

14.3.6 Location – Services and facilities:

Widdington has very limited services and facilities. The nearest serviced bus stop⁵ (Fleur-de-Lys stop – 18’ walk) is 1.4km from the site. The nearest school (Debden Primary School – 1h10’ walk) is 5.7km away and the nearest supermarket (Tesco Express Elsenham – 1h35’ walk) is 7.8km from the site. The Newport Train Station is 4.7km from the site (59’ walk). Notwithstanding the above, there are no pedestrian footways, and as such, pedestrian movements are forced onto the lane, which is unlit and poorly maintained. The bus stop and the above services and facilities are therefore not easily accessible from the application site and the condition of the surface on Cornells Lane would deter potential cyclists.

14.3.7 The occupants of the proposed dwellings would **not** be able to safely access sustainable public transport or services and facilities within easily accessible walking distances. It would be unreasonable to expect that the future occupants will be walking with their supermarket supplies on the lane that is unlit and in poor condition or that the lack of footways would allow wheelchair users to access services without serious risk to human lives. Movements to and from the site would not be undertaken by means other than the private car⁶; private cars would have to be used to access railway services. Opportunities to promote sustainable transport modes have not been taken up and alternative transport options are not promoted by the development. Therefore, the sustainability credentials of the location are not satisfactory in NPPF terms, and the development would fail to comply with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.8 Previously developed land:

⁵ Bus service refers only to route 301 that is an hourly service Monday to Saturday.

⁶ The application concurs that “*to access a wider range of services and facilities it would generally be by car*” but supports that “*The nearest bus stop to the application site is in Widdington High Street, near the public house, within walking distance, or easy cycling distance*” (Planning Statement including Transport, paragraphs 5.20, 5.22). However, as explained above this would not be possible without heavy reliance of cars.

The site is **not** previously developed land⁷ as there are no planning records to demonstrate otherwise. However, the application supports that *“The site contains a number of structures and hardstanding, serving the use of the land for the stabling of alpacas currently. The site is also used for recreational purposes by the applicant and her children with a green house, a playhouse, a climbing frame and other domestic paraphernalia”*⁸. These elements were witnessed in the case officer’s visit, but it has not been shown that they have been lawfully erected or used. The application confirms the site is not previously developed land⁹.

14.3.9 Character and appearance (countryside, landscape, pattern):

The local character contains a distinct rural feel and countryside setting with views to the wider landscape and an intrinsic sense of openness. The proposal would introduce built form in the countryside with urbanising effects¹⁰. Therefore, the development would be contrary to policy S7 of the Local Plan and paragraph 174(b) of the NPPF. Notwithstanding the applicant’s comments¹¹, the element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside. Applying paragraph 219 of the NPPF to the above, policy S7 should be afforded significant weight.

14.3.10 When quantified, **countryside harm** is significant. The site, by reason of its open and verdant appearance (even if the low-key structures were to have been lawfully implemented or used) and position on the approach of the housing cluster, positively contributes to the rural character and appearance of the area. The site acts as a defensible boundary that visually smoothens the transition between the approach to/entrance of the housing cluster and the open countryside. The proposal, by reason of its scale and residential use, would be a visual barrier to this rural setting and would extend urban qualities within the rural landscape by increasing noise, lighting, movements and other environmental factors. The Landscape officer, similarly to the refused UTT/22/2825/OP, raised **no objections** as the development would have a minimal impact on the wider landscape. However, the proposal is for 1 no. dwelling and its impact could not have been more than minimal to the wider landscape; notwithstanding this, the harm to the local rural character of the area would be significant and the lack of wider effects would not be a benefit.

⁷ In the context of the NPPF glossary and a Court of Appeal decision: Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁸ Planning Statement including Transport, paragraph 1.02.

⁹ Planning Statement including Transport, paragraph 3.23.

¹⁰ Domestic appearance of built form and domestic paraphernalia with which housing is associated, such as household equipment, vehicles, parking spaces and hardstandings, patios, fences, garden equipment, etc..

¹¹ Planning Statement including Transport, paragraph 5.04.

14.3.11 The application supports that the development “*would represent the ‘rounding off’ of this cluster of houses*”¹². However, the approved scheme under UTT/21/2649/FUL¹³ to the south-west of the application site would have small residential gardens and meadow land on the eastern part of that site (see image), followed by paddock land to the north that adjoins the application site. As such and considering its position, the site would face open countryside on three directions (except west) and the proposal would not ‘round off’ the housing cluster but rather extend it eastwards, failing to preserve the rural character and appearance of the area.



14.3.12 For the issue of visibility, there is a growing body of appeal decisions that distinguish development impacts between those to the character and those to the appearance of an area. One Inspector wrote that “*The impact of development on the rural character of an area is not simply restricted to whether it can be seen or not or its detailed design but about how that use would impact on the rural setting*”¹⁴ and another Inspector wrote that “*Just because new development in the countryside would be well hidden from public gaze does not make it acceptable. Although appropriately designed, the proposal would nonetheless detract from the rural character of the area by intruding into undeveloped and open land*”¹⁵. As such, concealment from the public gaze would not justify a no-harm position to the rural character of the area but rather limit the effects to the appearance of the countryside. In any case, the application site would be visible from the public realm (e.g. through the access) and the proposed dwelling would be visible from the public highway due to its height (6.65m) that would be above the height of the front hedge.

¹² Planning Statement including Transport, paragraph 5.06.

¹³ UTT/21/2649/FUL for Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL – Planning permission granted on 05 September 2022. The scheme has not yet commenced.

¹⁴ APP/C1570/W/21/3271985 (UTT/20/1643/FUL), paragraph 10 – Proposal for 11 no. dwellings in Eastfield Stables, Elsenham – Appeal dismissed on 30 October 2021.

¹⁵ APP/C1570/W/22/3303304 (UTT/22/1170/FUL), paragraph 10 – Proposal for agricultural buildings in Eastfield Stables, Elsenham – Appeal dismissed on 24 February 2023. Similar quotes can also be found in APP/C1570/W/22/3291446 (UTT/21/2687/FUL), paragraphs 16-17.

- 14.3.13** The application states that the site “*does not visually form part of the open countryside, but it is instead viewed in the context of the surrounding residential uses, buildings and paraphernalia*” and this approach was supported in an appeal decision¹⁶. However, this appeal decision related to the residential conversion of an existing disused agricultural building at the rear of nos. 1 and 2 Malhouses and the Inspector found “*limited residential context to parts of the lane*” with the part of the countryside within which the appeal site was set being situated in a verdant and open area¹⁷.
- 14.3.14** Finally, the proposed materials and the proposed barn-style dwelling would reflect the local vernacular, in compliance with policy GEN2(a) of the Local Plan. In addition, the site benefits from a level of green screening at its frontage and the application proposes at the eastern part of the site a substantial area for planting a wildflower meadow. However, the proposed materials and architectural style and any existing/proposed landscaping features are inadequate to materially diminish the above countryside harm, plus landscaping features can vary due to health and season, and as such, they cannot be relied upon continuously.
- 14.3.15** Effective/efficient use of land:
Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment. Paragraph 120(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 14.3.16** The application supports that “*there is under-use of the current site, that represents ‘rounding off’, and the proposal would make the best use of it*”¹⁸. However, it has been shown above that the proposal would not have a ‘rounding off’ effect in the local pattern of development and that there is no evidence to suggest that the existing structures and hardstanding on site have been lawfully created or used that would have made the site previously developed land. Therefore, residential development on a greenfield site would not be more effective use of under-utilised land, and as such, the proposal would not gain support from paragraphs 119 and 120(d) of the NPPF.
- 14.3.17** A key difference between the current application and the previously refused UTT/22/2825/OP is the increased size of the application site (from 1,000 sqm to 4,550 sqm) that now includes the paddock until where it meets the brook to the east of the site. Although the increased site would mean an inappropriate housing density that would represent an inefficient

¹⁶ Planning Statement including Transport, paragraph 5.38.

¹⁷ APP/C1570/W/20/3264013 (UTT/20/2154/FUL), paragraph 3, for the conversion of existing agricultural buildings to five dwellings with associated parking and landscaping – Appeal allowed 15 June 2021.

¹⁸ Planning Statement including Transport, paragraph 5.08.

use of the land as a resource, it is clearly outside of the application's intention to develop the whole site but rather use the additional area to positively contribute through plantings towards biodiversity enhancements¹⁹ similarly to the approved UTT/21/2649/FUL at the south-west of the application site.

14.3.18 Notwithstanding the above, the proposed meadow land should have been outside the application site, delineated within the blue line under the applicant's control. Most importantly, as explained above, such landscape enhancements would not be enough to eliminate or mitigate the significant harm to the rural character and appearance of the area caused by the proposal.

14.3.19 Other material considerations:

It is well-established law that previous decisions can be material considerations because like cases should be decided in a like manner, to ensure consistency in decision-making. However, notwithstanding the comments from third parties, previous Secretary of State or LPA decisions do not set a precedent for the assessment of similar developments; the benefits and harm, and the levels of each, will depend on the specific characteristics of a site and scheme. On this occasion, the following decisions are noted:

- **UTT/21/2649/FUL** (Land Rear Of Malt Place, Cornells Lane):
This application was approved for a site in which permission had been previously granted under three separate applications (UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL) for the conversion of existing or the construction of new buildings forming a total of 10 no. residential dwellings. Combination of the above permissions into a single scheme was considered to help deliver a more cohesive development.
- **UTT/20/3016/FUL** (Land Rear Of Malt Place, Cornells Lane):
This application was a conversion of an agricultural building that benefitted from prior approval under UTT/18/2129/PAP3Q.
- **UTT/20/2154/FUL** (Land Rear Of Malt Place, Cornells Lane):
The Inspector found the appeal site to be situated within a verdant and open area with limited residential context to parts of the lane. However, the appeal was allowed as the scheme would be viewed alongside the existing buildings and neighbouring dwellings and due to the nature of the scheme as a conversion of an existing building that would increase its overall height and footprint.
- **UTT/20/0860/FUL** (Land Rear Of Malt Place, Cornells Lane):
This scheme preceded UTT/20/2154/FUL and was refused as it involved the demolition of the existing agricultural buildings and the erection of buildings with increased scale on a more formal layout that would not preserve the agricultural character of the site.
- **UTT/18/3523/FUL** (Land Rear Of Malt Place, Cornells Lane):
This appeal scheme was dismissed as the increase in the amount of built development on the site; the formal arrangement of the

¹⁹ Planning Statement including Transport, paragraph 3.17.

dwelling; and the change of use of a large portion of the site to garden with formal planting of an avenue of trees along the access road would result in a development with a suburban appearance which would be incongruous to its rural location. The proposal went significantly over and above the built form approved under the fallback position (UTT/18/2129/PAP3Q).

- **UTT/22/3395/OP** (Springfield, Radwinter):
This was an infill site of already domestic appearance.
- **UTT/22/3442/OP** (Springfield, Radwinter):
This was a site with limited contribution to the character and appearance of the area unlike the current application site that forms the approach to a housing cluster.
- **UTT/18/1806/FUL** (Land West Of The Willows, Cornells Lane):
This scheme would preserve the linear character of the village with built form on both sides. It was also located to the back of the approved UTT/18/1031/FUL.
- **UTT/18/1031/FUL** (Land Adjacent To The Piggery, Cornells Lane):
This site was physically incorporated to the residential boundary of The Old Piggery within a close distance to Widdington and the development was found to cause limited harm to the character and appearance of the area.
- **UTT/16/0746/FUL** (Malt Place, Cornells Lane):
This scheme benefitted from a fallback position under UTT/15/0378/FUL.

14.3.20 Conclusion:

The principle of the development is **not** acceptable (see planning balance in Section K). Other material planning considerations and technical issues (e.g. flood risk) should be examined once the Planning Inspectorate receives the relevant consultation responses.

14.4 B) Heritage impacts / Climate change

14.4.1 The application site does not contain any listed buildings and is not part of a Conservation Area and there are no such heritage assets in its vicinity. However, Cornells Lane is a protected lane and the area within which the site is located comprises an historic landscape. The proposal will utilise an existing access (subject to the conditions required by the Highway Authority, see Section D). The Landscape Officer raised **no objections** as there is no harm to the fabric and character of the protected lane and the proposal would have minimal impact on the wider landscape, as explained in Section A. The development would accord with policy ENV9 of the Local Plan.

14.4.2 The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. If the scheme were acceptable, the development would need to bring forward water and energy efficiency measures and construction techniques to ensure compliance with the above policies, as well as section 14 of the NPPF. The application recognises this obligation and

also proposes an air source heat pump²⁰. For example, if the scheme were acceptable, water efficiency would need to comply with the 110 litres per person per day per unit set out in policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan. Although these green technologies may be benefits for the scheme, they would not be adequate to eliminate or mitigate the countryside harm identified above.

14.5 C) Residential amenity

14.5.1 In terms of the residential amenity of the occupants, the proposed unit would be 2-storey with an occupancy of 4B7P²¹ (including the study that covers 10.7 sqm) and a gross internal area (GIA) that would exceed the minimum GIA threshold (115 sqm) set out in the Nationally Described Space Standard (NDSS).

14.5.2 In terms of amenity (garden) space, the proposed dwelling would have a garden area in excess of the 100 sqm threshold set out by the Essex Design Guide for 3+ bedroom properties. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.3 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, notwithstanding the concerns raised by neighbouring occupiers, the Environmental Health officer was consulted in UTT/22/2825/OP and raised **no objections** unconditionally in the interests of residential amenity (see also Section 6).

14.5.4 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the proposal would safeguard the residential amenity of existing and prospective occupiers in terms of potential material overshadowing, overlooking and overbearing effects.

14.6 D) Access and parking

14.6.1 Policy GEN1 of the Local Plan states that development will only be permitted if it meets all of the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.

²⁰ Planning Statement including Transport, paragraph 5.62.

²¹ 4B7P = 4 Bedrooms - 7 Persons.

14.6.2 From a highway and transportation perspective, following revisions and the submission of additional information, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF.

14.6.3 There is ample space within the site to accommodate the necessary parking provision, i.e. 3 no. parking spaces of appropriate dimensions and an appropriate turning area, so that vehicles can exit the site in a forward gear. The proposed parking arrangements would comply with the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), as well as policy GEN8 of the Local Plan.

14.7 E) Ecology

14.7.1 The Ecology officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures, as well as to avoid harm to protected and priority species and habitats. The development would accord with paragraphs 43, 174(d) and 180 of the NPPF, and policies GEN7 and ENV8 of the Local Plan.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health officer raised **no objections** subject to conditions to protect human health and the environment. The development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF.

14.9 G) Archaeology

14.9.1 The site is not part or adjacent to any archaeological sites. As such, no harm to any potential archaeological remains is considered. The proposal would comply with policy ENV4 of the Local Plan, and the NPPF.

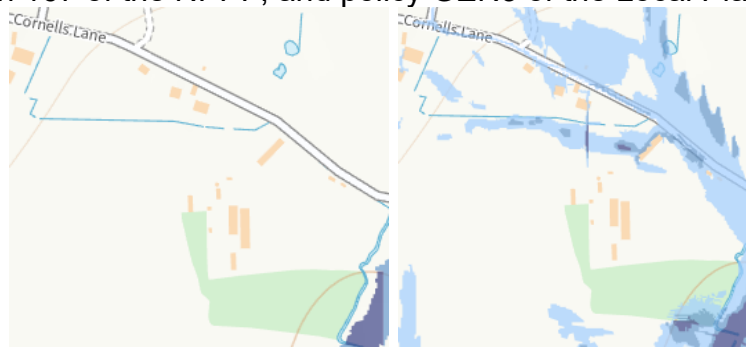
14.10 H) Flood risk and drainage

14.10.1 Paragraph 167 of the NPPF states, amongst other things, that development should only be allowed in areas at risk of flooding where, in the light of the site-specific flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

14.10.2 The site falls within Flood Zone 1 and footnote 55 in paragraph 167 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) does not apply as the development does not involve a site of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As such, the Essex County Council (as the Lead Local Flood Authority, LLFA) and the Environment Agency have not been consulted for this application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The proposal would comply with paragraph 167 of the NPPF, and policy GEN3 of the Local Plan.



14.11 I) Planning balance

14.11.1 The following public benefits of the scheme are discussed in the next paragraphs:

- Provision of 1 no. unit to the 5YHLS – limited weight.
- Ecological and biodiversity enhancements and net gains – limited weight.
- Sustainable energy/water efficiency measures – limited weight.
- Economic benefits – limited weight.
- Provision of accessible dwelling (Part M) – limited weight.

14.11.2 A key difference with the previously refused scheme is that the latest 5YHLS position shows a 5.14 years of housing supply that includes a 5% buffer in comparison to the previous 5YHLS shortfall. This is also a significant difference in relation to the permissions granted by the LPA or on appeal referenced in paragraph 14.3.19 of this report. In any case, although the planning balance is still engaged due to the Local Plan not being fully up to date, the net contribution of 1 no. unit to the 5YHLS would be a rather limited public benefit arising from the development, as it would make little difference to the overall supply of housing in the district.

14.11.3 The proposal would provide a modest contribution towards the wider local economy during and post construction. However, the single unit proposed means that the public benefit would also be limited to its extent

- 14.11.4** The proposal would also be able to offer ecological enhancements and net gains (e.g. a substantial wildflower meadow and additional plantings), energy/water efficiency measures (e.g. air source heat pump, electric car charger, etc.), and compliance with Part M of the Building Regulations regarding accessibility; these matters would only attract limited weight given the limited scale of the development.
- 14.11.5** On the other hand, the adverse impacts of the proposed development include:
- Harm to the countryside character and appearance of the area – significant weight.
 - Area void of services and facilities (sustainability concerns) and heavy reliance of private motor cars – significant weight.
 - Loss of BMV agricultural land – limited weight.
- 14.11.6** The proposed development, by reason of its position at the approach of a housing cluster and urbanising effects to the open countryside, would harm the rural character and appearance of the site and area; this harm has been found to be significant in Section A of this report. As the conflict with part of policy S7 would reflect a direct conflict with paragraph 174(b) of the NPPF, this harm is considered significant. This countryside harm would outweigh the benefit of providing one unit even if there was a 5YHLS shortfall.
- 14.11.7** The location of the proposed development would also raise sustainability concerns due to the lack of local services and facilities that would not be easily accessible through sustainable public transport or other sustainable means, such as walking or cycling, given that there are no pedestrian footways and pedestrian movements are forced onto the lane, which is unlit and poorly maintained. The resulting heavy reliance on private motor cars would not be justified at a time of 5YHLS surplus. The sustainability credentials of the location are not satisfactory, against the environmental strand of sustainable development in paragraph 8 of the NPPF, and as such, this policy conflict would be attributed significant weight.
- 14.11.8** As explained in Section A, the loss of BVM agricultural land would be limited within its context, and as such, this adverse impact would also be limited to its extent.
- 14.11.9** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** 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.
- 15.1.2** 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.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

- 16.1** The planning balance found that the adverse impacts of the proposed scheme would significantly and demonstrably outweigh the benefits.
- 16.2** Overall, for the reasons given in this report, the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the NPPF and the benefits of the proposal, which would indicate that the development should be determined other than in accordance with it.
- 16.3** It is therefore recommended that the application be refused on the grounds specified in section 17 of this report.

17. REASON FOR REFUSAL

- 1** The proposed development would introduce built form in the countryside with urbanising effects, failing to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The area is void of services and facilities and

sustainable transport options within easy reach, raising sustainability concerns due the heavy reliance on private cars. The adverse impacts of the development would significantly and demonstrably outweigh its minimal benefits. Therefore, the proposal would fail to comply with policies S7 and GEN1(e) of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/23/2141/FUL
Our Ref: 32166
Date: 11th October 2023



Paul Crick
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/2141/FUL
Applicant Miss T Gilder
Site Location Land South of Cornells Lane Widdington Essex
Proposal Demolition of existing stables and buildings. Erection of detached dwelling with wildflower meadow and planting

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
2. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 4.5 metres and shall be provided with an appropriate vehicular crossing. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.
4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning

Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety

5. 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. The Plan shall provide for;
 - i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. loading and unloading of plant and materials,
 - iv. storage of plant and materials used in constructing the development,
 - v. wheel and underbody washing facilities.

Reason: To ensure that 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

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. The rural 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.
- iii. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures

include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

- v. There shall be no discharge of surface water onto the Highway.



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pp. Director for Highways and Transportation
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