



**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 11 December 2024

**REFERENCE NUMBER:** UTT/24/1141/FUL

**LOCATION:** Land Adj Grind Hall, Wood End Green, Henham Hertfordshire

**SITE LOCATION PLAN**



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Organisation: Uttlesford District Council      Date: 28 Nov 24

**PROPOSAL:** Development of 3 no. detached houses, creation of wildlife garden and pathway route (privately owned and maintained public open space), landscaping, driveway access and associated works

**APPLICANT:** Mr Lee Bowden

**AGENT:** Mr Mike Washbourne, Washbourne Consulting Ltd

**EXPIRY DATE:** 10.07.2024

**EOT EXPIRY DATE:** 31.12.2024

**CASE OFFICER:** Genna Henry

**NOTATION:**

- Outside development limits
- Adjacent to Conservation Area
- Within 6km of Airport
- Within 2km of SSSI
- Contaminated Land (Historic Use)
- Adjacent to Public Right of Way

**REASON THIS APPLICATION IS ON THE AGENDA:** Councillor Call-in.

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## **1. EXECUTIVE SUMMARY**

**1.1** Full planning permission is sought by the applicant for the erection of 3no. detached dwellings, with associated driveways and associated works.

**1.2** The site comprises of a rectangular shaped plot approximately 0.48ha, located outside the development limits of Henham village to the north of the site. The site abuts two Public Rights of Way along the north eastern and south western boundaries.

**1.3** Henham Conservation Area (CA) is also adjacent to the site along the northern boundary. Less than substantial harm has been identified to the significance of Henham Conservation Area.

**1.4** Notwithstanding the above, the impacts of the proposal to countryside have been assessed and Officers, on balance, are of the view that due to

the limited adverse impacts of the proposal a recommendation of approval has been made.

## 2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

### **And**

If the freehold owner shall fail to enter into such an agreement, the Strategic Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

## 3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is situated to the south of development limits of Henham village and along the south/western boundary of Grind Hall. The site is accessed from Henham High Street/Chickney Road to the north, leading onto Wood End Green with an avenue of trees and a common that is north of the application site.
- 3.2 The site area is 0.48ha and bordered by a Public Right of Way (PRoW) to the east, south and western boundaries and has an existing access to the southern boundary.
- 3.3 The site comprises of an open area of grassland with substantial screening/mature hedging all around the site, approximately 6m metres in height. Another characteristic of the site are the undulating ground levels with changes from north to south and varied levels from east to west. The northern portion of the site is approximately 4m higher the lower southern boundary.
- 3.4 The south and western boundaries are mostly characterised by arable farmland, while the north, north-western and eastern boundaries are bordered by residential developments. Directly north of the site are a small cluster of properties and a Thames Pumping Station.
- 3.5 Henham Conservation Area is directly north of the site which extends across more of the village area and development limits of Henham.

#### **4. PROPOSAL**

- 4.1 The application is a fully detailed application which seeks permission for the 3no. detached dwellings which will include a wildlife garden with a pathway route.
- 4.2 The design of the scheme will incorporate public open space within the scheme and located between plots 2 and 3.
- 4.3 A new vehicle access will be created along the north eastern boundary, which will serve plots 1 & 2. In terms of vehicle access, plot 3 will retain the existing access to the south.
- 4.4 The proposed dwellings are large, 1/1.5 storey dwellings and with a mix of 3bed, 4bed and 5bed properties, all properties are designed with a slightly different character.

#### **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**

6.1

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/13/1952/OP	Change of use of land from agricultural to residential, and erection of four dwellings and associated garages and alteration of access with all matters reserved except access.	Refused, dismissed at appeal.
UTT/1030/10/FUL	Erection of sheltered housing development comprising 12 No. 1 bed bungalows and 8 No. 2 bed bungalows, communal facilities and parking and ancillary works. Creation of new vehicular and pedestrian access	Refused.
UTT/1031/06/FUL	Change of use from agricultural land. Erection of four no. detached dwellings. Creation of new vehicular and pedestrian access	Refused, dismissed at appeal.
UTT/0395/09/FUL	Erection of sheltered housing development comprising 12 no. one bed bungalows, 8 no. two bed bungalows,	Refused.

	communal facilities and parking. Creation of new vehicular and pedestrian access	
SWR/0516/73	Development of land for housing	Refused

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 A pre-app for this scheme has been undertaken.

7.2 Community consultation has not been undertaken.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

8.1.1 No objection, subject to conditions

### **8.2 Local Flood Authority**

8.2.1 No objection.

### **8.3 Natural England**

8.3.1 No objection, subject to appropriate mitigation and conditions

### **8.4 Manchester Airport Group**

8.4.1 No objection subject to relevant conditions/informative added.

## **9. PARISH COUNCIL COMMENTS**

- 9.1
- A residential scheme has been refused 5 times and some were dismissed at appeal
  - 3 terraced dormer cottages were refused on land adj. to Woodend Green Cottage, Woodend Green was refused by UDC in 2021 (ref UTT/21/3027/FUL
  - Site is immediately adjacent to Grind Hall proposed site
  - bulk of site is immediately south of Henham Conservation Area
  - The Henham Conservation Area Appraisal and Management Proposals (2012) references the significance of the open space
  - The previous Inspector indicates the 2014 proposals were backland development
  - Public perceptions of the identified harm to the HCA, character and appearance of the countryside, layout of the village, would be exacerbated by the rights of way bounding the site and the mainly deciduous nature of the surrounding hedgerows (as per PINS comments)

- The wider area is a remote village with limited local facilities and services, poor accessibility to public transport
- Poor local bus services, often infrequent
- Elsenham station is approximately 4.1km and beyond walking distance. A reliance on car
- Access to 3no dwellings are different, one plot is access using road to the west (not owned by applicant)
- A new access way to serve other two dwellings is not appropriate, narrow and dangerous
- Construction impacts from HGV an heavy machinery
- Transport Assessment by SW Transport Planning Ltd, provides further reasons for refusing application on Transport Grounds.

## **9.2 SW Transport Planning**

- 9.2.1** - A number of comments raised on sustainability grounds

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Ward Councillor**

**10.1.1** Proposal is on a site which has been rejected 5 times for the fundamental reason of its location in the open countryside and adjacent to the conservation area.

**10.1.2** Has been previously cited as going against the village plan. The village has accepted many new houses at each end of the village and is in danger of losing its historic characteristics if the village boundary were to spread out even further.

### **10.2 UDC Environmental Health**

**10.2.1** No objection, subject to conditions and informatives relating to contamination, construction impacts and external lighting.

### **10.3 UDC Landscape Officer/Arborist**

**10.3.1** Conditions recommended.

### **10.4 Place Services (Conservation and Heritage)**

**10.4.1** The proposal amounts to represents less than substantial harm to the significance of the Conservation Area. Objection raised.

### **10.5 Place Services (Ecology)**

**10.5.1** No objection, subject to conditions, informatives and securing Biodiversity Net Gain measures.

### **10.6 Place Services (Archaeology)**

**10.6.1** No objection, subject to conditions

**10.6.2 Lead Local Flood Authority**

**10.6.2.1** No objection raised.

**11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 43 notification letters were sent to nearby properties. Mention press notification if relevant. Don't put the number of reps

**11.2 Support**

- 11.2.1**
- a small development would not impact the countryside
  - A large area of the site has been allocated for wildlife and wildflowers which will be beneficial to the environment / wildlife provisions made
  - If granted, the project will generate work for local tradesman / contribute to the rural economy
  - The development will have a positive impact on the village
  - limited views of the site and so there will be limited impact of the site
  - A smaller scheme benefits some local businesses, better than larger scheme
  - site is no used for anything and has been empty for over two decades
  - site is already adjacent to developed land
  - the side will hardly be seen
  - Access to the site discreet
  - Limited harms from additional traffic
  - Brings new families into the area who will likely contribute to village life and local community
  - new bespoke developments are beneficial to community
  - Puts unutilised land to good use
  - Single storey dwellings would be good for retired persons and persons looking to downsize
  - A bus stop is 200 yards away, so there might be limited traffic
  - Exactly the types of dwellings that ought to be approved, as they are out of the way, unseen from any main route
  - Scheme will not adverse impact on traffic perspective as many people will work from home and the dwellings include office space
  - If small sites like this were given permission, there would be no need for big developments spilling into the countryside and making the roads busy
  - There are already a few houses along this road so a few more will make no difference
  - One small development will not have a huge detrimental impact to the village
  - There aren't enough small bungalow developments for older people to enjoy



- There have been a few recent developments and not a single one has made the roads busy
- The scheme is committed to using local tradesmen

### **11.3 Object**

- #### **11.3.1**
- Maintaining the existing boundaries of the village is critical if its essential characteristics is to be maintained
  - sprawl and indiscriminate building will change the visual characteristic of the area but also how people interact with it
  - Site is outside development limits of Henham village
  - access to the site is inadequate and inappropriate as Wood End Green is a narrow lane to a private road and used as a footpath
  - Development will harm pedestrian safety and increase traffic in area, bicycles are mostly used within the village
  - Site has been part of the fabric of the village and used for grazing
  - the surface of the private road / footpaths are prone to flooding due to excess run-off from the field and from higher up Wood End Green. The proposed houses could be prone to flooding and increase flood-risk to adjacent properties
  - Southern edge of the site prone to flooding
  - Harms to biodiversity and ecology
  - Additional housing on every boundary will destroy the culture and community of the village
  - Further damage to access road, that are already overridden with potholes would be further damaged during construction
  - The development will impact enjoyment of the communal area of Wood End Green, which will harm the health and wellbeing of local residents
  - Access to the southern side of the field is via Green End Farm, which is also public right of way – increased numbers of local residents use the PROW and the lane provides access footpaths across fields
  - Increased development would make conditions of the road more dangerous to pedestrians, motorists, cyclists – there are no passing spaces
  - Increase in noise and pollution levels
  - HGVs, fire services and refuse services would need to use a very narrow road
  - Harm to heritage assets, including listed properties
  - 3 properties to the south are responsible for the maintenance and repair of this lane and any additional vehicular traffic would result in faster deterioration
  - Access to plots 1 & 2 is via an unmade narrow track (also a Public Right of Way) which currently serves two properties and currently well used – additional traffic would be dangerous in this location
  - The development will require vehicle access along either side of Woodend Green, and will harm the amenity value of the village green area and harms to public safety
  - Additional lighting and noise will interfere with the current setting of the village

### 11.3.2

- Harm to the Conservation Area
  - The applicant has sought to convert the land with previous applications, which were subsequently refused and dismissed at appeal. Refusal / appeal reasons are still valid (this will be the 5<sup>th</sup> application)
  - Application for 3 dwellings nearby was refused (ref. UTT/21/3027/FUL)
  - Woodend Green is an important open space as identified in the Henham CAAMP (2012)
  - Planning Inspector in report for 4 dwellings (2014) concluded that the developed would appear as a form of backland developed that extends beyond the village boundary
  - Poor accessibility to public transport and would be reliant on car-based travel contrary to the aims of sustainable development
  - Poor frequency of bus route (7/7A routes), limited operating hours and limited for most daily needs
  - Railway station is 4.1km away beyond walking / cycling distances. Most trips to the station will require a car
  - Vehicle accesses to the site are different
  - The proposed driveway leading to the pair of dwellings is not owned by the applicant, but proposes to open it up and create a new access way. No right of way of neighbouring driveway to applicants field
  - The driveway is not suitable for new houses.
  - HGV/ heavy machinery would be required to access the site and would be unsuitable, as it's a modest construction and will collapse
  - Development would destroy the unique character of Henham
  - Linear form development from Inspectors comments
  - Harms to public perception of the CA, countryside character, layout of village exacerbated by PROW surrounding the site, mainly deciduous' nature of the surrounding hedgerows
  - Driveway to the east is very narrow
  - Previous inspector concluded it could be backland development / Inspector comments on most properties being accessed from main road i.e. High Street / Church Street and Crow Street given the village a linear form
  - The access road to the two dwellings are too narrow and there is ditch to the road
  - Will generate more traffic / highway safety concerns
  - The proposal will include a garden and pathway route (privately own / maintained public open space) is disingenuous. Unlikely that anyone will choose to visit an area to private dwellings in preference of Woodend Green and a range of other open countryside
  - Site plan does not connect to the highway and cross third party land, fails to meet requirements of the DMPO (2015) 7(1)(c)(ii)
  - There is a common land /village green impediment that would prevent any further properties accessing the proposed site from adopted highway
  - Site plan deliberately drawn to avoid providing affordable housing / contravenes ULP Policy H9

- BNG Metric not downloadable to public
- Ecology assess does not include entire red line extended outside the field itself i.e. site access /verges. Aerial photos indicate a great area of scrub land than recorded in the Skilled Ecology Report (2023), suggesting recent fires. Matters need to be investigated
- Ecology report highlights the presence of bats, adjacent trees have not been considered for potential to support roosts
- Shortcomings in the ecology assessment of the site as there are barn type structures evidence in the report, but it states there were no structures on site,
- LVIA conducted was not conducted by appropriate persons. The receptors /are not accurate or adequate and should not be afforded any weight
- Limited consideration to the nearby Listed buildings and adjacent Conservation Area, the applicant
- Inappropriate design, design document does not demonstrate the design evolution
- Development would appear dominant within the rural landscape. Erode the countryside character while considering the impacts of vehicle activity
- Application is contrary to ULP Policies S7, GEN2, ENV2, ENV8, H4 and H9.
- The development would have an impact on village members who use the open space at Woodend Green
- UDC has declared the east side unsuitable for normal collections.

#### **11.4 Comment**

- 11.4.1** There are representations made that state the applicant does not own all the land within the red line boundary, however, since the first submission of the application a revised location plan has been submitted with appropriate certificates. If there are further disputes with regards to land ownership, these LPA consider these civil matters the applicant will need to resolve.

#### **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** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to 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 or, fails to preserve or enhance the character and appearance of the Conservation Area.

**12.4 The Development Plan**

- 12.4.1** 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 and 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**

<b>13.2.1</b>	<b>S7</b>	The Countryside
	<b>GEN1</b>	Access
	<b>GEN2</b>	Design
	<b>GEN3</b>	Flood Protection
	<b>GEN4</b>	Good Neighbourliness
	<b>GEN5</b>	Light Pollution
	<b>GEN6</b>	Infrastructure Provision
	<b>GEN7</b>	Nature Conservation
	<b>GEN8</b>	Vehicle Parking Standards

<b>H3</b>	Infilling with New Houses
<b>H4</b>	Backland Development
<b>H9</b>	Affordable Housing
<b>H10</b>	Housing Mix
<b>ENV1</b>	Design of Development within Conservation Area
<b>ENV2</b>	Development affecting Listed Building
<b>ENV3</b>	Open Space and Trees
<b>ENV4</b>	Ancient Monuments and Sites of Archaeological Importance
<b>ENV5</b>	Protection of Agricultural Land
<b>ENV8</b>	Other landscape elements of importance for nature conservation
<b>ENV10</b>	Noise Sensitive Development
<b>ENV13</b>	Exposure to Poor Air Quality
<b>ENV14</b>	Contaminated land

**13.3 State name of relevant Neighbourhood Plan in this title**

**13.3.1** There is not a 'made' Neighbourhood Plan for the area.

**13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
 Essex County Council Parking Standards (2009)  
 Supplementary Planning Document – Accessible homes and playspace  
 Supplementary Planning Document – Developer's contributions  
 Essex Design Guide  
 Uttlesford Interim Climate Change Policy (2021)  
 Uttlesford District Council: District-Wide Design Code (June 2024)

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of development**
  - B) Design, Layout and Heritage Implications**
  - C) Landscaping, Arboriculture and Nature Conservation**
  - D) Highways, Vehicle Access and Parking**
  - E) Residential Amenity**
  - F) Flood Risk and Surface Water Drainage**
  - G) Environmental Health and Contamination**
  - H) Other Matters**

**14.3 A) Principle of development**

**14.3.1** Planning History

The application site has been subject to a number of planning applications for residential development. Of particular relevance are the two application applications for 4 residential units (refs UTT/1031/06/FUL and UTT/13/1952/OP). Both applications were refused and later dismissed at

appeal. The latter, and later, application of the two<sup>1</sup> was refused in 2013 and for the following reasons:

- 14.3.2**
- 1. The proposed development is unacceptable because it would detrimentally affect the open character and appearance of its countryside location contrary to policy S7 of the adopted (2005) Uttlesford Local Plan.*
  - 2. The application fails to include adequate survey information to address the potential impacts of the development on protected species. The absence of any survey information prevents the local planning authority from fully assessing the impacts, and therefore from fulfilling its duty on biodiversity issues under Section 40(1) of the Natural Environment & Rural Communities Act 2006, Regulation 3(4) of the Conservation (Natural Habitats) Regulations 1994, Section 74 of the Countryside & Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. The proposal is therefore contrary to the requirements of the NPPF and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).*
  - 3. The development would generate the need for a financial contribution in respect of affordable housing. The application provides no mechanism for addressing the need for additional provision. It therefore fails to comply with the adopted Developer Contributions Guidance Document adopted June 2013.*
- 14.3.3** Thus, in terms of addressing the principle of development it will be necessary to address the first reason for refusal, as the Planning Inspector previously upheld this reason at appeal.
- 14.3.4** The application site is located outside development limits of any defined villages of towns within the district and thereby it is designated as being within the countryside whereby policy S7 applies.
- 14.3.5** It is acknowledged that ULP (2005) Policy S7 is not fully consistent with the NPPF (2023), in that protecting the countryside for its own sake is more restrictive than the Framework. Although, the LPA considers that aspects of Policy S7 are still relevant in the determination of applications outside development limits within the countryside.
- 14.3.6** Thus, Policy S7 stipulates that ‘development will be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there is special reason why the development in the form proposed needs to be there’. The LPA deems this criterion relevant for assessing applications outside development limits. Furthermore, the Planning Inspector maintains in recent appeal examples (e.g. ref. APP/C1570/W/20/3251991) that with regards to Policy

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<sup>1</sup> Ref. UTT/13/1952/OP

S7 significant weight should be afforded to this policy when considering proposals in the countryside.

**14.3.7** ULP (2005) Policy H3 is targeted for proposals within development limits and states that infilling with new houses will be permitted on land if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. Although, the preamble of the Policy H3 states at paragraph 6.1 that 'if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development'.

**14.3.8** In the last appeal at the site, the Inspector also mentioned that the previous residential scheme 'would appear as a form of back land development that extends that extends beyond the boundary of the village. Its location means that it appears more closely related to the countryside'<sup>2</sup>. Due to the Inspectors assessment of the site, neighbour representations have referenced this from the previous appeal decision and state that ULP Policy (2005) H4 is relevant. However, the previous residential development was not refused for such reasons, although, it is acknowledged that the Inspector highlights the previous proposal represent a form of back land development and that the site would be visible from the countryside.

**14.3.9** *Applying Policy ENV5*

**14.3.9.1** The site comprises Grade 2 ('Very Good' quality) agricultural Land (Agricultural Land Classification 2010, Natural England), being part of the districts best and most versatile agricultural land (BMV). Despite the loss of BMV land, contrary to Policy ENV5, good quality agricultural land is plentiful within the locality, meaning this policy conflict holds limited weight, although the site is within an agricultural/rural context but seeks to support an existing rural business.

**14.3.10** Thus, in light of the above ULP Policies (2005) referenced above and with regard to the NPPF (2023), the Development Plan and all other material considerations a the 'Planning Balance' will be undertaken further below. However, before doing so a wider assessment of the proposal against all relevant considerations to determine the impacts of any adverse effects and whether these would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

**14.3.11** Suitability and Location

The application site is clearly outside development limits of Henham Village, but located 0.3km south of the village area and towards the edge of the wider village area and within a small cluster of dwellings albeit

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<sup>2</sup> See para. 8 of APP/C1570/A/14/2212544

sporadic in nature. Nonetheless, this portion of Henham is generally characterised by limited amenities and services.

- 14.3.12** It is recognised that the proposed development would be located in close proximity to other residential properties. As such, the site cannot be reasonably considered as isolated, however, this does not mean that it will be sustainable in terms of access to shops, services, community facilities in which future occupants can rely upon.
- 14.3.13** For the ‘proximity to services’ the location is inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are limited, which means that for the majority of journeys the only practical option would be the use of cars. Although, Henham is not completely remote as there are some local facilities, such as, Henham Village Hall, a Village Shop, Post Office, Henham and Ugley Primary and Nursery and within 5km of Elsenham train station. In any case, the proposed new dwellings could support local services within the village, complying with paragraph 83 of the NPPF (2023). It is acknowledged this contribution would be minimal, and as such, it would hold very limited weight in decision-making.
- 14.3.14** It is also worth noting that there are bus stops nearby that facilitate access to nearby amenities. Bus route numbers 7 and 7A provide are in close proximity to the site i.e. along the high street, which is within a 5min walk of the application site. These routes both provide services between Bishops Stortford, Stansted Mountfitchet, Elsenham, and Stanstead Airport.
- 14.3.15** Comments have been received on the lack of services and amenities within the village, which is raised as an objection to the application. However, a refused application that was referenced by the applicant for a similar small development located at the edge of the Henham settlement<sup>3</sup>, also outside of the Conservation Area, was not refused on the grounds of lack of services or sustainability reasons. While it is appreciated this application was refused in 2018, but the application was also later allowed on appeal in 2020<sup>4</sup>. Notwithstanding the above, the LPA still consider there are sufficient amenities within the local area, albeit modest. Furthermore, the Inspector in the referenced above explicitly acknowledges the likelihood of local residents relying on motor vehicles to travel to work, but also cites the local amenities and that appeal school could contribute to the vitality of the rural community and essentially that ‘new housing would help to maintain the vitality of the rural community, promoting sustainable development in rural areas, as indicated by the Framework’<sup>5</sup>
- 14.3.16** In summary, although not completely ideal due to the lack of facilities in Henham, the proposed development would on balance be a suitable

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<sup>3</sup> Ref. UTT/18/1811/FUL

<sup>4</sup> (PINs REF. APP/C1550/W/19/3231568)

<sup>5</sup> As above, para. 13.



location for housing having regard to the accessibility of services and facilities. Therefore, it would accord with ULP Policy GEN1(e) and paragraphs 108 and 114(a) of the NPPF (2023).

**14.3.17** Countryside Impact

The NPPF (2023) states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the character of the countryside (para. 180(b)).

**14.3.18** Landscape Character is defined as ‘A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.’<sup>6</sup> The landscape character is that which makes an area unique.

**14.3.19** The proposed development seeks permission for 3no. residential units which would be situated on a vacant and undeveloped plot of land. The eastern, western and southern boundaries of the site are bordered by Public Right(s) of Way, and also residential properties characterise the immediate area to the north, east and the north west. There is a village green area to the north of properties Castanea, Holmwood and Halt Bungalow, which it is understood from the consultation comments, is often used by local residents for communal, social purposes. The specifics of design, heritage implications, will be discussed further below, however, the current proposal is for 3no. single storey dwellings near to existing residential developments.

**14.3.20** The neighbour comments regarding this application site suggest that the development would appear out of character within the village, additional residential development within the area would be excessive and potentially harm the existing community. These comments are noted, although, with regards to the impacts to the countryside this proposal given its locality situated to the edge of the Henham Conservation Area and the edge of village area (which lies beyond development limits), being surrounded by a mature hedging and footpaths (albeit Public Right(s) of Way) to a degree constrain the sites impact particularly given the dense mature landscaping around the perimeter of the site. As it currently stands, the site is surrounded by housing to the north and along the east. Further south of the site is Green End Farm which appears to contain a number of properties and the application site remains as a large, vacant and undeveloped plot. Also, with reference to the recent 2020 Henham appeal above, the Inspector understood the LPA’s resistance to allowing the village to expand towards the open countryside beyond development limits’ but also acknowledged that the village had already expanded beyond development limits. In this case, the application site does extend further south of the development limits of Henham, but would not extend beyond Grind Hall, adjacent to the sites. Moreover, Green End Farm would still extend further south of the application site.

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<sup>6</sup> The Countryside Commission and Scottish Natural Heritage (2002) Landscape Character Assessment: Guidance for England and Scotland (CAX 84), the Countryside Commission and Scottish Natural Heritage, April 2002.

- 14.3.21** The proposed dwellings are modest in scale and has been designed as 1/1.5 storey dwellings. The proposed heights vary from 4.9m (plot 1), 5.3m (plot 2), and 6.8m (plot 3) and the proposed dwellings would be spacious in layout with approximately 48m in distance between plots 2 & 3, 7 m distance between 1 & 2, and over 30m in distance from plot 1 to the dwellings along the north boundary at Castanea and Holmwood. Furthermore, the scheme has been designed to accommodate an open space 'wildlife/wildflower garden'. Therefore, it is not considered that the proposed dwellings would be cramped within the plot or the surrounding the area and the proposed development would still contribute to a loose pattern of development within the countryside setting.
- 14.3.22** A landscaping and planting strategy has been supplied which indicates that the hedging around the perimeter of the site will be retained. As such landscaping details, could be secured through a suitably worded planning condition.
- 14.3.23** Overall, given the sites location, the plot being constrained by a footpath/roads, dense hedging, the apparent spacious layout and the relatively low level scale of the dwellings, it is considered that the visual impact to the surrounded area (including the Public Right(s) of Way) are not considered to be significant. Also, the site plans indicates that the proposed site boundaries would be timber feather edge fencing, but as there is considerable hedging around the site it is not considered the fencing would create harms to amenity. Thus, it is held that the site boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form within its immediate boundaries. That being said, the specific location of the fencing is not entirely clear, so a hard landscaping condition made be appropriate to secure by a suitably worded planning condition.
- 14.3.24** In views from the countryside towards the site, the proposed development would form part of the backdrop of the existing buildings resulting in only low to medium level of visual effect. The landscape and visual implications of this proposed development are still regarded to have a low level and modest nature for a development such as this. Furthermore, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which effectively concludes that the significance of the visual effects (determined by the assessment of receptor sensitivity) would be very small i.e. minor.
- 14.3.25** Having visited the site, Officers are of the view that the development of the site on surrounding receptors would not have a significant impact on nearby sensitive receptors. Furthermore, it has been stated within the LVIA that topography of the site, existing dense mature vegetation around the perimeter of the site, the limited heights of the proposed dwellings and supplementary landscaping proposed would result in a negligible impact following the potential mitigation measures. Given that mitigation

measures have also been proposed, the LPA consider the visual impacts of the proposed development could be appropriately managed via an appropriately worded planning condition.

**14.3.26** Notwithstanding the potential harms to the setting of the adjacent Conservation Area (to be discussed further below), the development would have limited visual influence on the surroundings and that the appearance of the dwellings in a semi-rural setting would not be notably altered or harmed. Furthermore, the new built form would be up to 1.5 storeys, contained within the existing site and the proposed development could be screened by further landscaping to limit views from the outlying countryside locations. The nature of the dwellings designed in the previous refused scheme were 2 storey and with more development spread across the entirety of the site. Thus, the development would not be prominent or discordant element and appear as an unobtrusive addition to the area set within the established boundary treatments and adjacent to existing properties.

**14.3.27** In light of the above, it is considered the proposal complies with ULP Policies S7 and H3, where applicable, paragraph 135 of the NPPF (2023).

#### **14.4 B) Design, Layout and Heritage Implications**

##### **14.4.1** Heritage Implications

Though the north of the application site lies Henham Conservation Area and, thus, ECC (Place Services) has been consulted on the current application. The concluding comments have been extracted below'

**14.4.2** *'I consider that the development site makes a contribution to its significance as part of the surrounding agrarian landscape which is experienced from within the Conservation Area and on the approach to the Conservation Area from the southeast.*

**14.4.3** *The addition of three dwellings on this site will represent infill development opposite Badgers Cottage and Grind Hall (Greenend Barn), which were the location of modest rural dwellings as shown on the Ordnance Survey map published in 1897. This will increase the extent of modern development between the southern end of Woodend Green and Greenend Farm which, as shown on the 1897 OS map, was a farmstead situated remotely from the village. In my opinion, although the proposed development of two single storey dwellings, and one 1.5 storey dwelling at the eastern end of the plot is unlikely to appear in views south from Chickney Road over the green due to the topography of the landscape, development of this site will further erode the agrarian landscape setting of the Conservation Area which contributes to its significance as an isolated historic rural village. In my opinion, this will represent a very low level of less than substantial harm to the significance of the Conservation Area in terms of the National Planning Policy Framework (NPPF, December 2023).'*

**14.4.4** Some of the neighbour comments reference the Henham Conservation Area Appraisal and Management Proposals (CAAMP) (2012), and Place Services in their response extract the relevant points from the Henham CAAMP which references the fine view from Chickney Road looking south into Woodend Green against the backdrop of open fields and the topography of the immediate area. The Henham CAAMP also states that additional 20<sup>th</sup> century housing to the southern end of Woodend Green 'could detract from the area'. In light of this, the Place Services Conservation Officer is of the view that the proposed development would further erode the agrarian landscape setting of the Conservation Area which contributes to its significance as an isolated historic rural village. The Conservation Officers views are appreciated, however, given the location of the site, adjacent to 20<sup>th</sup> century dwellings, would extend away from the Conservation Area and the topography of the site would also limit the views Chickney Road. Furthermore, the eastern, southern and western boundaries are concealed by mature hedging. Despite the differing views between LPA and Place Services, in terms of the harm to the CA, Place Services afford the level of harm of the proposal a 'very low level of less than substantial harm to the significance of the Conservation Area.

**14.4.5** Design

In terms of design policy, good design is central to the objectives of both National and Local Planning Policies. The NPPF (2023) requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at para. 131 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan. In addition, at para. 135 it also states that planning decisions should ensure developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'.

**14.4.6** In terms of design, Place Services Heritage Officer commented on the proposed roof design of all three plots which comprises of a crown roof/flat roof element to the proposed roof form. For plot 3, the crown element of the proposal would be less substantial than plots 1 & 2. Notwithstanding this, overall, all the roofs for all three plots have been designed so that the overall roof form would be more of a traditional in character. Also, given how concealed the site is from the surrounding public right(s) of way, the LPA take the view the visual impact of crown roof portion of the roof design would be limited from the surrounding locality. Although, it is acknowledged that within the site, the crown design might appear more prominent within the site.

**14.4.7** Having liaised with the agent on matters relating to the roof design, the applicant has not opted to amend the design of the scheme but supplied an addendum Design & Access Statement which essentially maintains

that no substantial harm has been raised by Place Services Conservation Officer that regard has been had to the topography of the site, efforts have been made to ensure that the ridge heights are lower than the surrounding properties to ultimately reduce the visual impact of the development.

**14.4.8** Notwithstanding the above, the properties along the northern boundary of the application site Catanea, Holmwood and Holt Bungalow are evidently of 20<sup>th</sup> century design and these properties do not adhere to any design aesthetic within the immediate locality.

**14.4.9** Each of the dwellings proposed would be a large dwelling GIA(s) plot 1 is a 3bed approximately 180sq.m, plot 2 is a 4bed approximately 224sq.m and plot 3 is a 5bed approximately 375sq.m. Admittedly, these are large dwellings, however, they will not appear prominent given the low level heights of the properties. Furthermore, the dwellings would be screened from the adjacent public footpaths so these dwellings would have limited visibility from the surrounding site.

**14.4.10** Overall, the design of the dwellings are relatively traditional. The Conservation Officer requested conditions to managing the proposed materials, in the event the application is recommended for approval. In light of the range of modern design styles within the immediate locality, it is stated within the addendum Planning Statement that the applicant is committed to using high quality materials and would be willing to amend the materials proposed. In light of this, in the event the application is recommended for approval, a materials condition will be added to ensure the materials are appropriate given the proximity to the Conservation Area.

**14.4.11** Layout

The site plans proposed indicate the plot would be divided into four separate areas/plots with plots 1 and 2 situated in the northern portion of the site with a vehicle access along the north/eastern boundary of the site. While another access would be proposed to the south east boundary through an existing field access to the site. Generally, notwithstanding the footprint of the dwellings within each plot, the layout of the site will retain a spacious character within the application site. Furthermore, much of the landscaping around the perimeter of the site will be retained and will comprise of significant planting within the application site which will further enhance the layout of the site and soften any hard boundary treatments.

**14.4.12** The layout of the current proposal is different to the refused application of 2013 which also includes a wildlife garden which is to be retained for public access through the adjacent public right of way. Public access to the proposed wildlife garden would be limited as it would require the use of a narrow path to the eastern boundary of the site, a more accessible route into this area would be along the south western boundary. Notwithstanding this, this area is also retained for ecological purposes, and it is appreciated that the scheme has been design to accommodate this and also contribute to the spacious layout.

**14.4.13** For these reasons, it is considered the proposed layout would not have an adverse impact to the rural setting. The existing pattern of development within the immediate locality is characterised by a loose/sporadic pattern of development and Officers are of the view that the layout of the site contributes to the prevailing character.

**14.4.14** *Heritage and less than substantial harm*

Notwithstanding the above, and where it has been identified that less than substantial harm would result from a proposal, the Local Planning Authority has a duty to weigh this harm against the public benefits of the proposal (as per para. 208 of the NPPF 2023). In accordance with para. 205 of the NPPF (2023), great weight has been afforded to Henham Conservation Area along the northern boundary of the site. However, the proposed development proposes 3no. dwellings, albeit modest, makes a contribution to the Councils 5 Year Housing Land Supply (5YHLS). Other public benefits result from the local economic benefits from the construction, in terms of labour and purchasing construction supplies. Also, it has already been stated that the additional residential accommodation would also support local amenities, services and contribute to the local vitality of the village. In addition, the applicant maintains that they will use local tradespeople to develop the site and also secure the wildlife garden through a unilateral undertaking.

**14.4.15** In light of the above, the LPA consider these public benefits acceptable and, therefore, the proposal is considered to comply with Uttlesford Local Plan Policy (2005) S7, GEN2, ENV1 and the NPPF (2023).

**14.5 C) Landscaping, Arboriculture and Nature Conservation**

**14.5.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for development outweighs the importance of the feature of nature conservation. Where the site includes protected species measures to mitigate and/or compensate for the potential impacts of development must be secured.

**14.5.2** ECC Ecology have been consulted on the application and had originally made a holding objection due to insufficient ecological details submitted with the application, especially in relation to Great Crested Newts (GCNs). Place Services maintained an objection due to the Impact Assessment and Conservation Payment Certificate (IACPC) provided to demonstrate the applicant is eligible and the intention is to join Essex District Level Licensing scheme for GCNs had not been countersigned by Natural England. Where a District Level Licensing approach is adopted, and countersigned by Natural England, this effectively authorises developments affecting GCNs. This approach is alternative to traditional mitigation licensing for GCNs where no survey efforts/mitigation is required. Thus, in the absence of a countersign IACPC or relevant surveys, Places Services held a holding objection.

- 14.5.3** Following the initial response from Place Services, have updated their response and maintained that there is now sufficient ecological details to determine the application. The resubmitted IACPC is now countersigned by Natural England and demonstrates the applicant is eligible and the intention to join the Essex District Level Licencing scheme for GCNs. Furthermore, it was held in the updated response that the mitigation measures in the in the updated Preliminary Ecological Appraisal (PEA) should be secured by condition in the event the application is recommended for approval.
- 14.5.4** *Wildlife Garden*  
As part of the application, the applicant has submitted a draft Unilateral Undertaking (UU) with regards to securing the provision of the proposed wildlife garden. The draft UU has been submitted to the Council's Legal Officers and, at the time of writing, Officers are currently in discussion with Legal, the applicant's agents/legal team to progress matters.
- 14.5.5** At this stage it is considered that a maintenance plan would be appropriate to secure the future management of the proposed wildlife garden. This could potentially be secured either by a planning condition and/or detailed within the draft UU. An update will be provided to members at Planning Committee.
- 14.5.6** *Biodiversity Net Gain (BNG)*  
With regards to Biodiversity Net Gain, ECC Ecology maintain that they support the pre-development baseline set out within Biodiversity Net Gain Calculation Tool and are satisfied with the biodiversity net gains details submitted with the application. Thus, in terms of BNG it has stated that these can be secured through appropriate conditions.
- 14.5.7** This advice goes on to states that a Habitat management and Monitoring Plan (HMMP) should be secured for all significant on-site/off site enhancements in line within the approved Biodiversity Gain Plan (where the maintenance and monitoring secured via legal obligation or condition of any consent for a period of up to 30 years).
- 14.5.8** Thus, a Habitat Management Monitor Plan (HMMP) is not required for on-site habitats (as no on-site habits are being enhanced or are considered significant habitats). However, Place Services (Ecology) stated that a HMMP may be required for off-site measures and that this could be secured by planning obligation or condition in the event the application is recommended for approval. In the event the application is recommended for approval, a HMMP planning condition will be added.
- 14.5.9** Natural England  
Natural England has been consulted on the application due to their involvement with previous application and also due to the site being within SSSI consultation zone.

**14.5.10** No objection has been raised, subject to appropriate mitigation being secured, due to the potential damage/destruction to Hatfield Forest Site of Scientific Interest (SSSI).

**14.5.11** Thus, to mitigate the adverse effects and make the development acceptable, Natural England maintain that appropriate mitigation measures should be secured through a planning condition which is effectively a financial contribution towards the Strategic Access Management and Monitoring (SAMM) measures identified by National Trust as landowners. A tariff fee of £1395 per new residential dwelling. Officers consider a condition to mitigate the harm

**14.5.12** Landscaping

While a landscaping plan strategy has been submitted, the Council's Landscaping Officer had been consulted and commented that if the application were recommended for detailed landscaping scheme which includes protective measures for existing vegetation to be retained.

**14.5.13** With regards to the proposed wildlife garden, it was also suggested that a management company will need to be set up to manage, and maintain, the area. At the time of writing, and as mentioned above, the Unilateral Undertaking is under review to consider the appropriateness and liaising with applicant regarding an appropriate legal agreement for the above.

**14.5.14** In light of the above, it is not considered that the proposal would have material detrimental impact in respect of protected species/habitats or landscaping provided relevant conditions are complied with. Thus, the proposal accords with ULP Policy GEN7 and the NPPF (2023).

**14.6 D) Highways, Vehicle Access and Parking**

**14.6.1** ECC Highways has been consulted and initially raised a holding objection relating to i) the red line boundary did not connect to the highway and ii) the proposed multiple access points from adjacent Public Rights of Way (PROW) (no.'s 11 / no.12). Of particular concern, was the narrow widths of the private roads to the north eastern boundary, the lack of any accommodation and regard to the users of the adjacent PROW, the length of the footpath affected by the proposed access arrangements; these are all regarded to the detriment of pedestrian safety.

**14.6.2** In light of this, discussions have been had with the applicants' agent and the Highway Authority with the intention to overcome the objections raised above. Following the discussions between both parties a revised site location plan has been submitted and the application has been re-advertised, with appropriate certificates of ownership submitted. To address concerns to pedestrian safety, applicant has submitted a Pedestrian Safe Zone Plan (ref. 5879/001). Following the re-consultation with the Highway Authority on matters, the proposal is now deemed acceptable subject to suggested highways conditions and informatives.



**14.6.3** In the event, the application would be recommended for approval, the highways/access conditions will be applied where appropriate.

**14.6.4** In terms of parking for the residential units, it is considered the development meets the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

**14.6.5** Therefore, the proposal would not have material detrimental impact in respect of highway safety, subject to relevant conditions are complied with. Thus, the proposal accords with ULP Policy GEN1 and GEN8 and the NPPF (2023).

## **14.7 E) Residential Amenity**

**14.7.1** At para. 135(f) of the NPPF (2023) requires a good standard of amenity for existing and future occupiers of land and buildings. ULP Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

**14.7.2** In terms of overlooking and loss of privacy, given the separation distances of the nearby properties, it is not considered the adjacent sites would suffer adverse harms to neighbouring amenity.

**14.7.3** In terms of the internal floor areas of the dwellings, it is considered the future occupants would have sufficient internal space in accordance with the Nationally Described Space Standards (2015) and the Uttlesford Design Code (2024).

**14.7.4** For private amenity space, the adopted Uttlesford Design Code (2024) requires the footprint of the dwelling or a minimum of 50sq.m whichever is greater for sufficient garden space. For a two-storey dwelling a minimum garden depth of 12m would also be advised (if north facing) <sup>7</sup>, for a single storey dwelling the requirement is 9m/5m (if north facing). All three dwellings provide ample private amenity space.

**14.7.5** For reasons stated the above, the proposal is considered to comply with ULP (2005) Policy GEN2 and NPPF.

## **14.8 F) Flood Risk and Surface Water Drainage**

**14.8.1** The NPPF (2023) states that inappropriate development in areas of high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**14.8.2** A check of the Environment Agency's website and the Council's policy maps has identified the site as being located in Flood Risk Zone 1. The

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<sup>7</sup> [UDC District-Wide Design Code \(2024\)](#)

Framework indicates that all development is appropriate in this zone and hence there is no requirement for sequential or exception testing.

**14.8.3** The neighbour comments received indicate that the immediate locality is susceptible to surface water flooding. The LPA has liaised with the Lead Local Flood Authority (LLFA) regarding matters and had requested the applicant clarify details relating to the details of the topography of the land. Although, in subsequent responses, matters have been addressed and LLFA have removed their holding objection.

## **14.9 G) Environmental Health and Contamination**

**14.9.1** The Environmental Health Officer has commented on the application and with regards to land contamination, conditions to assess the ground conditions, site investigations and remediation were suggested. Officers are of the view this would be prudent to add subsequently secured by way of an appropriately worded planning condition.

**14.9.2** Also, as Construction / Demolition Method Statement was suggested in the event the application is recommended for approval. Given the adjacent northern/southern boundaries are public rights of way, and the comments regarding of the public use of the Woodend Green it would be appropriate to request a Construction Management Plan prior to commencement of development.

**14.9.3** Other conditions/informatives were also suggested in relation to external lighting and renewable energy. Officers consider that it would be prudent to add relevant conditions to reduce the impacts of the development, in accordance with ULP Policies (2005) GEN4, ENV10, ENV13 and ENV14, if the application were recommended for approval

## **14.10 H) Other Matters**

**14.10.1** The Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measures.

**14.10.2** To ensure that the development adopted renewable energy/water efficiency measures were implemented where appropriate. It would be prudent to add such conditions, if the application were recommended for approval.

**14.10.3** In the previous application at the site, the third reason for refusal it was stated that affordable housing should be provided with regard to ULP Policy (2005) H9. However, the site area is approximately 0.48ha and the NPPF (2023) stipulates that provision of affordable housing should not be sought for residential developments that are not major developments. The LPA are of the view the site does not constitute major development and affordable housing is, thus, not required

## **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 Planning Balance**

Paragraph 226 of the NPPF allows for Councils that have reached Regulation 18 or 19 stage of the plan-making process, including the publication of both a policies map and proposed allocations towards meeting housing need, to only be required to identify deliverable sites equating to a minimum of 4 years' worth of the local housing need. Paragraph 226 was engaged on 8th August 2024, following UDC publication of its Regulation 19 Local Plan. As of 20th August 2024[1] the Council can demonstrate a 4.12 year housing land supply (which includes a 20% buffer).

**16.2** On the 30 July 2024, the Government published its proposed changes to the NPPF for consultation (closing on 24th September 2024). These changes include removing paragraph 226 in its entirety and if this change is made this will remove the 4-year housing land supply position. This will mean that the housing land supply position will revert back to the

requirement to demonstrate a 5-year housing land supply regardless of the position with the emerging Local Plan. UDC thus assume that this is the direction of travel and that while the Council can currently demonstrate a 4-year housing land supply this will revert to 5 years in the short-term. Given these unusual circumstances the Council has decided to continue engaging the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.

**16.3** It is also worth noting that the Planning Inspector, in their assessment of the previous appeal<sup>8</sup> at the site, references appeal applications that had been allowed due to the Council lacking a 5 Year Housing land Supply.

**16.4** In light of the above, the Planning Balance of paragraph 11(d)(ii) of the NPPF (2023) tilts in favour of development, as the benefits include:

**16.5** *Benefits of the development*

- Modest contribution to the Council's 5 Year Housing Land Supply
- The development would also provide a small social, economic benefits in terms of the construction of the dwellings and investment in the local economy;
- Provision of wildlife garden and management to be secured via a unilateral undertaking
- Use of local tradesmen also secured by a Unilateral Undertaking
- Low level dwellings with a layout that contributes to the existing pattern of development of the immediate locality

**16.6** *Adverse impacts of the development*

- Less than substantial harm (very low level) to the setting of the designated heritage asset (Henham Conservation Area);

**16.7** Therefore, on balance, Officers are of the view there are limited adverse impacts of the proposal. The application is hereby recommended for approval as, the adverse impacts do not outweigh the benefits of the proposal.

**17.** **S106 and CONDITIONS**

**17.1** Heads of Terms are to be finalised for the proposed Unilateral Undertaking.

**17.1.1** Provision of wildlife garden

**17.2** **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

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<sup>8</sup> APP/C1570/A/14/2212544

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 the commencement of the development hereby approved, details of all external finishing materials (including window/door openings, roof tiles, fascias, soffits and rainwater goods) shall be submitted to, and in consultation with the Council's Conservation Advisors, approved in writing by the Local Planning Authority. The approved works shall thereafter be constructed in accordance with the approved details.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policy GEN2 and ENV1 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Frameworks.

- 4** No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

- 5** No development shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider

environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is first occupied.

Prior to occupation the effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV12 and ENV14.

- 6** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, works shall cease, and it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use.

Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

No part of the development should be occupied until all remedial and verification works are approved in writing.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with the adopted Uttlesford Local Plan (2005) Policies GEN2, ENV12, ENV14, and the National Planning Policy Framework (2023).

- 7** Prior to commencement of development, any details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The design and installation should conform to the Institute of Lighting Engineers Guidance Note 1 for the reduction of obtrusive light 2021. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 8** Prior to commencement of the development hereby approved, details of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV13 and GEN2, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 9** No development or preliminary groundworks of any kind shall take place until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: To preserve potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2023).

- 10** No development or preliminary groundworks of any kind shall take place until the completion of the programme of historic building recording identified in the Written Scheme of Investigation (WSI) defined in condition 9 above.

REASON: To preserve potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2023).

- 11** Following completion of the programme of historic building recording, as identified in condition 6 above, and within six (6) months from that completion (unless otherwise agreed in advance with the Local Planning Authority) a post assessment report shall be submitted to and approved in writing by the Local Planning Authority. The post assessment report shall detail the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the Written Scheme of Investigation (WSI). The post assessment report shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To preserve potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2023).

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Prior to commencement of the development hereby approved, details of all hard and soft landscaping (in accordance with the proposed mitigation measures contained within the Landscape and Visual Impact Assessment, ref: 409/LVIA/MP/10.01.24/v1.0, dated January 2024) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwellings hereby approved, and shall be maintained as such in perpetuity.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing and protected via Tree Preservation Order(s) trees, hedges or other soft features to be retained;
- e) planting plans for the woodland planting, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- h) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall 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 shall 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 shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To protect the character and openness of the countryside location, to protect trees and hedges to be retained (including TPO trees) and avoid unnecessary damage to their rooting systems, as well as to ensure no loss of amenity for the neighbouring occupiers and the occupants of the dwelling hereby approved, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV2, the Essex Design Guide, and the National Planning Policy Framework (2023).



- 13** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal (Skilled Ecology Consultancy Ltd, March 2024) 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 habitats and allow the local planning authority 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 Natural Environment and Rural Communities (NERC) Act 2006 (as amended) and in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 14** Prior to commencement of development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the planning authority and approved in writing.

The content of the Habitat Management and Monitoring Plan should include the following:

- a) A management and monitoring plan for all offsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow LPA to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

- 15** Prior to occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall be 4.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To ensure that appropriate access and visibility is provided, in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan as Adopted (2005), and the National Planning Policy Framework.

- 16** Prior to first occupation of the development hereby approved, the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads 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 interest of highway safety and that appropriate parking is provided in accordance with Policy GEN1 & GEN8 of the Uttlesford Local Plan as Adopted (2005), and the National Planning Policy Framework.

- 17** Prior to first occupation of the development hereby approved, a pedestrian safe zone of minimum 1.5m width shall be provided from the access servicing plot 1 and plot 2 to the western site boundary and along the site frontage of plot 1 (as indicated on plan no. 5879/001).

REASON: In the interest of highway and pedestrian safety in accordance with Policy GEN1 of the Uttlesford Local Plan as Adopted (2005), and the National Planning Policy Framework.

- 18** Prior to commencement of development (including ground works or any demolition) hereby approved, a Construction Management Plan shall be submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Construction Management Plan shall details of, but not limited to;

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities.
- v. managing the pedestrians/users of the Public Rights of Way and users of Woodend Village Green.

REASON: To ensure that on-street parking of these vehicles on the Public Rights of Way and 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.

- 19** Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class A, Class AA, B, C, D, E or F of the Order shall take place on the site without the prior written permission of the Local Planning Authority.

REASON: To prevent harm to the Countryside and adjacent Conservation Area in accordance with Policy S7 and ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023) in the interest of visual amenity.

- 20** Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 2, Class A and B of the Order shall take place on the site without the prior written permission of the Local Planning Authority.

REASON: To prevent harm to the Countryside and adjacent Conservation Area in accordance with Policy S7 and ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023) in the interest of visual amenity.