



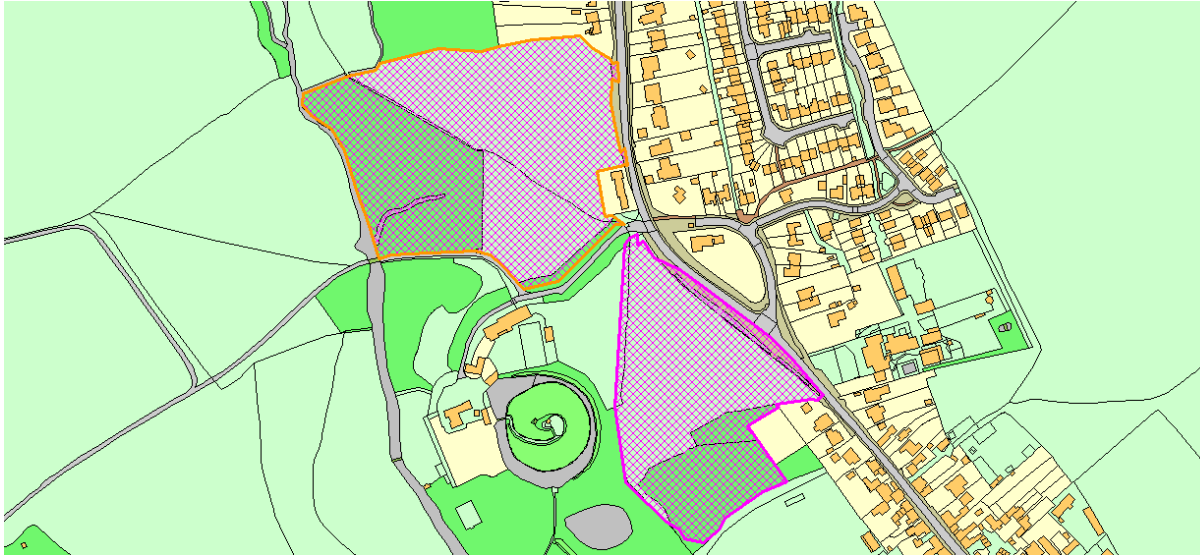
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 9 April 2024

**REFERENCE NUMBER:** UTT/25/0151/PINS

**LOCATION:** Land West Of High Street, Stebbing

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council Date:11<sup>th</sup> March 2025

**PROPOSAL:** Consultation on S62A/2025/0077 - Application for Planning Permission for

Erection of 28 residential dwellings (comprising 14 affordable & 11 private market homes together with 3 self-build plots); Provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility)

**APPLICANT:** Mr M Wellings- Montare LLP

**AGENT:** Mr N Bennett- Magenta Planning Ltd

**EXPIRY DATE:** 10 March 2025

**EOT Date:** Expiry 11 April 2025

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Planning Application

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## **1. RECOMMENDATION**

That the Strategic Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

Details are to be outlined by the Planning Committee.

## **2 SITE LOCATION AND DESCRIPTION:**

- 2.1** The application site comprises two, linked parcels of land located to the west of the High Street in Stebbing. They are referenced as sites A&B (North field) and C&D (South Field) with areas of 3.64ha and 2.15ha respectively, comprising rough grazing land, located adjacent to the existing settlement boundary of the village.

- 2.2** The proposed development sites lie west of Stebbing High Street - between the existing, historic village to the south, and the more recent housing to the north. Situated in close proximity to the Primary School.
- 2.3** Between the two separate sections of land is Stebbing Park and a Schedule Monument (The Mount: a motte castle in Stebbing Park). The nearby by property of Stebbing Park is a grade II\* Listed building and to the south of the site is the Conservation Area. There are also a number of public footpaths throughout the site.

### **3. PROPOSAL**

- 3.1** This planning application seeks full planning permission for the erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots), together with:

- Provision of public open space
- Associated local amenity facilities (activating Local Green Space allocation);
- Landscaping and car parking (to include additional community parking facility)

- 3.2** The residential development is proposed to be split into 4 sections that front Stebbing High Street and will include individual highway access points. Each plot includes the following:

#### **Plot A - Brook Ridge**

Ribbon development traversing the slopes'

Characterised by views over the valley, open aspects, and close proximity to Stebbing Brook

Features detached family homes, mostly 3 - 4 bedrooms, with a few large 2 bedroom homes.

#### **Plot B - Lower Downs**

Housing cluster creating a threshold into wider landscape'

Characterised by its agrarian setting, open grazing land, rooted in the soil and earth-based agriculture

Detached family homes ranging from 2 - 4 bedrooms.

#### **Plot C - The Woodlands 'Close**

Knit development signifies the entrance to the established pedestrian pathway overlooking the valley'

Characterised by the enclosed, woodland setting, bounded on all sides

Features three, 2 storey, self-build, detached, family homes of approximately 140 sqm.

### **Plot D - School Hill 'Extension of the village grain'**

Represents a transition between the heritage setting to the south and more recent housing to the north

Features starter / affordable rent / shared ownership homes overlooking the valley with varied massing similar to historic farmyards that have been adapted over time.

Includes purpose-built, accessible housing that faces and engages with Stebbing High Street and is characterised by a front-facing courtyard, with individual front porches, situated over the top of enclosed, accessible private parking garages at the lower ground level.

#### **3.3 Plot D - 14 dwellings comprising of:**

- 8 no. affordable rent homes (3 x 1 bed, 4 x 2 bed, 1 x 3 bed) of which, 3 are wheelchair accessible,
- 3 no. first time buyer homes (3 x 1 bed)
- 3 no. shared ownership home (1 x 2 bed, 2 x 3 bed)

Plot C - 3 no. self-build detached houses.

#### **3.4 The proposed dwellings would be predominantly 2 to 2 ½ storeys, with a small section of 3 storey buildings and would range from larger detached properties set within larger plots to smaller semi-detached plots and short terraces.**

#### **3.5 The proposal would include areas of public open space to the western and eastern boundaries of the site and children's play area.**

#### **3.6 50% of the total are to be affordable housing units (14 units).**

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

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

### **5. RELEVANT SITE HISTORY**

#### **5.1 UTT/23/2496/FUL**

Erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots) and local affordable employment unit/flexible community space; provision of public open space and associated local amenity facilities (activating Local Green

Space allocation); together with integrated landscaping and car parking (to include additional community parking facility)

**5.2** Refused- 19-9-2024  
Refusal Reasons:

- Harmful impact to the setting of the scheduled motte castle and Grade II\* listed Stebbing Park and Conservation Area.
- The proposals by reason of its sitting, size and scale would have an unacceptable harmful impact upon the rural character and appearance of the area and loss of open green space.
- The proposal would represent an unacceptable form of development resulting in a detrimental and harmful impact on the designated Local Green Space.
- The proposal would represent an unacceptable form of development resulting in a detrimental and harmful impact on the designated Local Green Space.

Full refusal reasons are set out in Appendix 1 of this report.

**6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**6.1** The Localism Act requires pre-application consultation on certain types of planning applications made in England.

The previously refused planning application (UTT/23/2496/FUL) included pre-application dialogue with UDC Officers and latterly through a separate pre-application process); Essex County Council; the Essex Quality Review Panel (EQRP); Local Councillors; and with the local community.

This involved a series of both virtual and in-person meetings and discussions with the various stakeholders involved, as summarised below:-

- 26th April 2021:- Pre-app meeting with UDC Officers including presentation of initial concept scheme
- 28th October 2021:- Presentation to EQRP
- 11th March 2022:- - meeting with UDC Officers and Local Councillors including further presentation of conceptual scheme (post EQRP) together with question and answer session
- 22nd June 2022:- Public Consultation event held at The White Hart PH within the village; see Appendix 1 for Montare's

‘Welcome to The Mount’ consultation brochure and feedback results

- 25th October 2022:- Meeting with Head of Planning and Head of Development Management to discuss way forward in light of the Stebbing Neighbourhood Plan (SNP) made on 20th July 2022
- 11th May 2023:- Pre-application meeting held with Head of Development Management and Senior Planning Officer (request made on 13/03/23), with subsequent formal advice issued on 29th June 2023 (including both planning and heritage feedback)
- 24th July 2023:- Meeting with Housing Officer to discuss affordable housing proposal; fully endorsed scheme in excess of policy expectations.

**6.2** Pre application advice was provided by UDC on 29 June 2023 that concluded due to the impact to the Local Green Space and conservation/ heritage harm and the lack of information that demonstrates the harm is mitigated or outweighed by the very special benefits of the scheme, I am unable to support the proposed development. Any proposed application would need to clearly demonstrate how the benefits of the scheme outweigh the harm.

## **7. STATUTORY CONSULTEE RESPONSES**

**7.1** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority).

**7.2** Accordingly, it should be noted that a number of considerations/ advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of this planning application have been provided and are included in Appendices 2, 3 and 4 of this report, a summary of these are set out in the next paragraphs.

### **7.3 National Highways - No Objection**

**7.3.1** This site is some distance from the strategic road network, given this and the fact that it is to construct 28 residential units, the effect on the Strategic Road Network is unlikely to be severe as traffic will be diluted by the time it reaches any junctions of the on the A120.

### **7.4 Historic England - Objection**

**7.4.1** The development of this land for residential would introduce considerable instances of harm to the significance of the scheduled motte, grade II\* listed building and conservation area. The introduction of built form in this location would be disruptive in views of the Stebbing Park group, affecting its prominence and with it our ability to understand these assets and their relationships in the landscape. The harm to the conservation area would

be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special character.

## **7.5 Natural England - No Objection**

- 7.5.1** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## **8. PARISH COUNCIL**

- 8.1** These should be submitted by the Parish Council directly to PINS within the 21-day consultation period.

## **9. CONSULTEE RESPONSES**

### **UDC Conservation Officer - No Objections**

- 9.1** The scheme has been sensitively designed to respond to its context and although its presence would be perceptible, it would not affect the ability to appreciate the significance of nearby heritage assets. The design layout responds to its context and includes a high-quality landscape and architectural scheme.

The NPPF advises that any harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimal viable use. An extensive landscaping scheme is proposed that promotes public use, including the reinstatement of historic watercourses and heritage orchards. Given that the layout responds directly to the heritage assets and that the proposal is low density with a public space offer, I believe the scheme could be of benefit.

### **UDC Urban Design Officer - No Objection**

- 9.2** I have commented on this scheme previously, under UTT/23/2496/FUL on 3 September 2024. As this scheme is identical to the previous application, except for the omission of the commercial unit and minor amendments to the redline boundary around entrances to plots A and B, I repeat my previous comments below, edited as necessary to take account of the omissions and revisions to the scheme. Overall, the scheme represents high quality urban design and is in overall compliance with the Uttlesford Design Code and as such, is supported

### **Essex Police – No Objections**

- 9.3** We strongly recommend that the developer seeks to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the development.



## **Cadent Gas**

- 9.4 We have no objection to this proposal from a planning perspective.

## **NATS Safeguarding - No Objections**

- 9.5 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

## **Affinity Water- No Objection**

- 9.6 We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstraction. Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed.

## **NHS – Hertfordshire and West Essex- No Objections**

- 9.7 Subject to securing healthcare developer contributions- no objection is raised.

## **ECC Place Services – Ecology - Objection**

- 9.8 We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

## **UDC Housing Officer - No Objections**

- 9.9 This application for 28 new dwellings including 14 affordable homes. The proposed affordable housing provision would therefore exceed the 40% affordable housing policy requirement. I can confirm that the applicant consulted me regarding the proposed affordable housing mix for the site at an early stage and so the proposed mix will provide a good range of affordable properties to meet the identified housing need.
- The bespoke design for the proposed development and the variation in the proposed finishes is to be commended.
  - The community parking facility should assist with alleviating traffic congestion during school drop-off and pick-up times.

## **ECC Education - No objections**

**9.10** No objections raised subject to following contributions:

- Secondary Education: (Financial contribution of £137,460)
- School Transport: (Financial contribution of £29,735)
- Libraries: (Financial contribution of £2,178.40)

## **10. REPRESENTATIONS**

**10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS.

**10.2** UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

## **11. MATERIAL CONSIDERATIONS**

**11.1** 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.

**11.2** 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:

(a) 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.

**11.3** 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. The Development Plan**

- 12.1** 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 Feb 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 19 July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2024)

### **13.2 Uttlesford District Plan 2005**

- 13.2.1** S7 – The Countryside
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN4 – Good Neighbourliness
  - GEN5 – Light Pollution
  - GEN6 – Infrastructure Provision
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV2 – Development Affecting Listed Buildings
  - ENV3 – Open Spaces and Trees
  - ENV5 – Protection of Agricultural Land
  - ENV7 – Protection of the Natural Environment
  - ENV8 – Other Landscape Elements of Importance
  - ENV10 – Noise Sensitive Developments
  - ENV12 – Groundwater Protection
  - ENV14 – Contaminated Land
  - H1 – Housing development
  - H9 – Affordable Housing
  - H10 – Housing Mix

### **13.3. Neighbourhood Plan**

**13.3.1**      Stebbing Neighbourhood Plan- made 19 July 2022

Policies:

STEB1 – Respecting Stebbing’s Heritage- Design and Character

STEB2 - Green Infrastructure and Development

STEB4 - Local Green Space

STEB6 – Important Open Gaps

STEB7 – Important and Protected Views

STEB9 – Design Principles and Location of New Development

STEB10 – Meeting Local Needs

STEB11 - Affordable Homes

STEB13 – Managing Flood Risk and Drought Mitigation

STEB14 - Renewable Energy

**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 play space  
homes  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)  
Uttlesford Design Code (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) Character, Appearance and Heritage  
C) Neighbouring Amenity  
D) Archaeology  
E) Affordable Housing Mix and Tenure  
F) Access and Parking  
G) Nature Conservation & Trees  
H) Climate Change  
I Contamination  
J) Flooding  
K) Planning Obligations  
L) Any other Material Considerations  
M) Planning Balance  
N) Other Matters**

**14.3**            **A)      Principle of Development**

- 14.3.1**      The 2024 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to

ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

**14.3.2**     Emerging local plan and housing land supply:

**14.3.3**     As of 7 February 2025, the Council can demonstrate 3.46 years of housing land supply, with the Housing Delivery Test (HDT) being at 69%, the situations of Footnote 8 apply, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. Finally, the emerging Local Plan was submitted to the Secretary of State on 18 December 2024 but due to its stage of preparation and as the proposed strategy has not been tested at examination, it should be afforded limited weight

**14.3.4**     In situations where the presumption, above, applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan (NhP) is likely to significantly and demonstrably outweigh the benefits, provided the NhP is less than five years old and meets its identified housing requirement.

**14.3.5**     In regard to the Regulation 19 of Uttlesford Draft Local Plan 2021 – 2041, only limited weight can be applied, owing to its stage of preparation. It is noted Stebbing would be considered as a settlement that would include non-strategic allocations. This includes a residual requirement of 109 dwellings to be allocated through non-strategic allocations up to 2041. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

**14.3.6**     Development Limits

**14.3.7**     Paragraph 82 of the NPPF (2024) states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

**14.3.8**     The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

- 14.3.9** A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. The proposal would be located to the south of the High Street in Stebbing, this is adjacent to residential development. Whilst the proposal would have a limited and localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.
- 14.3.10** Stebbing Neighbourhood Plan STEB 6, considers the open gaps separating the Character Areas of Bran End and Church End with The Core Village. Development should ensure that there is no harm to the setting and appearance and identity of each of the three Character Areas.
- 14.3.11** Stebbing Neighbourhood Plan STEB7 considers Important and Protected Views, development proposals must respect views in and out of the village that contribute to the setting and appreciation of the visual qualities of the historic core of the village, its setting and the surrounding landscape. The proposals would result in harm on the setting of the Scheduled Motte Castle by impacting on important views of the monument within the landscape and on its visual relationship with the historic settlement along High Street.
- 14.3.12** Stebbing Neighbourhood Plan STEB 9 considers development within defined development limits, allocated and infill sites proposals for new development that are of high-quality design and in sympathy with the traditional built character of Stebbing will be supported where they are well-related to the existing pattern of development within:
- The defined development limits
  - The allocated sites
  - Infill sites
- 14.3.13** It is not considered the proposal accords with the location of development set out in policy STEB9 or the exception list.
- 14.3.14** Loss of Agricultural Land
- 14.3.15** Paragraph 174(b) of the Framework states *“Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.
- 14.3.16** Annex 2 of The Framework defines *“best and most versatile land”* as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

- 14.3.17** Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.3.18** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.
- 14.3.19** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. It is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.
- 14.3.20** The location of the development forms part of Grade 3 agricultural land therefore, classified as best and most versatile land, the relatively small loss can only be afforded very limited weight in relation to the conflict with this policy. Therefore, the loss of agricultural land in this location is not considered to give rise to significant conflict with Policy ENV5 or paragraph 187(b) of the Framework, which would warrant refusing the application in its own right on this ground.
- 14.3.21** Local Green Space
- 14.3.22** The application site is located within the designated Local green Space as set out in the Policy maps of the made Stebbing Neighbourhood Plan, these include: Parcel E- Field opposite Stebbing Primary School and Parcel F – Field opposite The Downs. Neighbourhood Plan Policy STEB 4 Considers Local Green Spaces are demonstrably special to the Parish of Stebbing and justify their designation.
- 14.3.23** The NPPF sets out the following:  
  
Paragraph 106:
- 14.3.24** *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green*

*Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period."*

Paragraph 108:

- 14.3.25** *"Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13 of this Framework."*
- 14.3.26** Therefore, the requirement of the managing development in Local Green Space should be in accordance with section 13 of the NPPF and particularly paragraph 154 which sets out what is considered inappropriate development and certain exceptions. The proposal will not constitute any of the exceptions set out in paragraph 154 and therefore should only be approved if the very special circumstances of the development outweigh the harm.
- 14.3.27** As to considerations of appropriateness, preservation of openness and conflict with planning policy, these should be applied in light of the nature of a particular type of development. Whether a proposed facility would preserve the openness of the site is largely a matter of planning judgement.
- 14.3.28** Several factors could be relevant in applying "openness" to the facts of a case, notably, how built up the site is now and how built up it would be if development occurred, and the visual impact on the aspect of openness which the site presents. Matters which may need to be considered include, but are not limited to the following:
- spatial and visual aspects (the visual impact of the proposal may be relevant, as could its volume);
  - the duration of the development, and its remediability; and
  - the degree of activity likely to be generated, such as traffic generation
- 14.3.29** The absence of any development, the additional new built residential accommodation would clearly have an impact on openness. The site is undeveloped open land and is heavily treed in some areas. The site is open plot between two sections of built form within the rural settlement before giving way to the wider countryside to the north of the site, this makes a positive contribution to preventing encroachment into the countryside.
- 14.3.30** In addition, because the proposal will include the introduction of 4 individual highway access points and proposed parking spaces for the school and internal roads this would also increase the permanent built form on the site. The character of the site is strongly defined as a mainly undeveloped area to the west of the High Street, to the east of the High



Street the built form includes a linear approach. It is considered proposal would introduce a form of urbanised development along the High Street and land to the west of the High Street transforming the open character of the site.

**14.3.31**    Local Green Space Balance

**14.3.32**    Paragraph 11 (d) i) of the NPPF advises 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 policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

**14.3.33**    Local Green Space is considered is considered in the policies referred to in the framework. In this case is it considered the proposals do not engage paragraph 11 (d) i) or provides a strong reason to refuse the application. It is noted Council's Landscape Officer considers the harm to the character of the landscape setting of the site results in moderate harm, furthermore the proposal will increase the access and features of the public opens space. Therefore in this case paragraph 11 d (ii) of the NPPF is engaged and a planning balance is applied

**14.3.34**    The proposed development includes a number of planning benefits, however, NPPF advises the balancing exercise should consider whether the very special circumstances of the development outweigh the harm, the following list the very special circumstances in terms of the Local Green Space and weight applied;

- 14.3.35**
- 50% affordable housing units (14 units)- **substantial weight**
  - Contribution to the supply of housing- **substantial weight**
  - 3 self-build dwellings- **moderate weight**
  - Enhancement to the landscape features of the public open space – **moderate weight**
  - Increase accessibility to the Local Green Space- **substantial weight**
  - Provision of community car park- **substantial weight**
  - Securing 18.6% Bio diversity net gain- **substantial weight**

**14.3.36**    Substantial weight that must be afforded to any harm to the loss of Local Green Space, it is considered that the very special circumstances include the enhancement of the Local Green Space from the increased public accessibility of land with the active 'Landscape-led' design incorporating pathways; routes and cycle links to encourage physical activity and social interaction (walkable communities).

**14.3.37**    These enhancements together with other very special circumstances listed in the above paragraph are considered to cumulatively have

moderate weight that would not outweigh the harm to the public open space that is caused by the development. This is consistent with refusal reason 3 of the previous planning application - UTT/23/2496/FUL.

- 14.3.38** In terms of very special circumstances, it is considered that the improvements to the Local Green Space facilitated by the application proposals are not considered very special circumstances that will outweigh the harm of the development. Therefore, the proposals are in conflict with the aims of Neighbourhood Plan Policy STEB4 and paragraphs 153 and 154 of the NPPF. The harm caused by the development is not outweighed by the very special circumstances.

#### **14.4 B) Character, Appearance and Heritage**

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 187 of the Framework further advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** The application site is on the edge of the settlement. Local Plan Policy S7 has several objectives, among them to seek development that recognises the intrinsic character and beauty of the countryside. The aim is reflected in NPPF paragraph 187 in recognising the intrinsic character and beauty of the countryside, including economic and other benefits of trees and woodland.
- 14.4.3** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF 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 Paragraph 131 '*The creation of high quality 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.
- 14.4.4** The effect of the proposal to the existing character of the immediate site would have a moderate adverse, although this would be localised. This is due to the change of the undeveloped land to a residential development. Whilst there would be new landscaping the urbanisation would not completely visually contained and likely to result in a level of change to the wider landscape setting, especially from western views to the site.
- 14.4.5** To the east of the site there is a fairly tight urban grain and linear built form this is within the development limits. The overall density, scale and mass of the new dwellings would create an introduction of built form that would have some harm to the character and appearance of the site and surrounding area, the site positively contributes to the rural character and appearance of the area, as most of the land is open and verdant in appearance and character

- 14.4.6** In regard to the appearance of the development the dwellings will be of a traditional form and appearance that include a high quality design that is individually designed to be accommodated within the site. The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features.
- 14.4.7** The proposal accords with section B1C of the UDC Design Code in regards to building types and density. The proposal will provide buildings that will respect the character of the local area or should contribute to its own distinctive, but complementary character and provide a bespoke design solution opposed to of the shelf housing types, in accordance with section B1.G of the UDC Design Code.
- 14.4.8** The effect of the proposed on the existing character of the immediate site is considered to be major to moderate adverse. This is due to the change of the undeveloped agricultural field to a residential development, however the proposed changes in the appearance from the west of the site would not necessarily have far stretching views. Important view points along the High Street have been identified in the submitted Landscape Assessment and the location of the proposed housing has been located to protect these viewpoints. The Council's Landscape Officer has advised this would amount to moderate harm.
- 14.4.9** The proposed properties are to be built to a high standard using traditional materials and set back from the internal roads to provide separation and planting. The existing topography of the site has been taken into account and the siting of the proposed properties allows for level changes to be contained within rear gardens and predominantly along boundary lines.
- 14.4.10** Heritage
- 14.4.11** The site is located adjacent to the northern boundary of the Stebbing Conservation Area, an area designated for its special character. The site is in proximity of the historic core that includes the High Street, Church End and Mill Lane. Also, nearby heritage assets include:
- Stebbing Park  
Listed Building Grade: II\*
- Stebbing Park Barn  
Listed Building Grade: II
- The Mount:  
Scheduled Monument
- 14.4.12** Due consideration should therefore be made to whether the proposal will have a harmful impact to the setting of the heritage asset as set out in

ULP Policies ENV1, ENV2 and the statutory duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 14.4.13** The Council's Principal Conservation Officer considers the proposal's design would not completely mitigate the change from its current, open character. In addition, the development would be perceptible from neighbouring properties and visible in part from the existing road network. The proposal is low-density when considering the site area available and is thoughtfully set away from the nearby heritage assets. The use of landscaping to provide a buffer between the new development and heritage assets assists in reducing harm to the character of the area.
- 14.4.14** The proposal results in less than substantial harm to the significance of the heritage assets at the low to medium end of the scale. The proposal appears proportionate to the nearby post WWI developments. However, it should be noted that continued change throughout time can diminish aspects that were considered to contribute to the original defining character. Equally, harm does not prohibit development. Where less than substantial harm has been identified, there is potential for the Application to be justified if on balance, the public benefits can outweigh the harm.
- 14.4.15** Harm to the conservation area would be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special character.
- 14.4.16** Heritage Balance
- 14.4.17** Paragraph 11 (d) i) of the NPPF advises 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 policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
- 14.4.18** Heritage assets are considered is considered in the policies referred to in the framework. In this case is it considered the proposals do not engage paragraph 11 (d) i) or provide a strong reason to refuse the application. It is noted the Council's Heritage Consultant considers the proposal will result in less than substantial harm at the low - medium end of the scale. Paragraph 215 of the NPPF advises when the harm amounts to less than substantial harm this should be weighed against the public benefits of the proposal. Therefore in this case paragraph 11 d(ii) of the NPPF is engaged and a planning balance is applied.
- 14.4.19** The harm to the designated heritage assets would be less than substantial. Even so, such harm is a matter of considerable importance and weight in the determination of this application. Paragraph 215 of the

NPPF requires that the harm to the significance of the listed building must be weighed against the public benefits of the proposal.

**14.4.20** The public benefits include:

- 50% affordable housing units (14 units)- **substantial weight**
- Contribution to the supply of housing- **substantial weight**
- 3 self-build dwellings- **moderate weight**
- Enhancement to the landscape features of the public open space – **moderate weight**
- Increase accessibility to the Local Green Space- **substantial weight**
- Provision of community car park- **substantial weight**
- Securing 18.6% Biodiversity net gain- **substantial weight**

**14.4.21** The proposal includes public benefit. Some economic benefits would also be derived from the construction of the development, the occupation of the dwellings and also provides some support to local services and facilities.

**14.4.22** Taken in isolation, and without consideration of location, the above public benefits are not considered to outweigh the less than substantial harm to the heritage assets as set out, this is considered of a **moderate level**.

**14.4.23** In regard to the guidance in Paragraph 215 of the National Planning Policy Framework, it is considered the public benefits associated with the development would not outweigh the harm caused to the setting of the designated heritage assets. The proposals are thereby contrary to paragraph 207 of the National Planning Policy Framework, Policies ENV1, ENV2 and ENV4 of the Uttlesford District Local Plan and Policy STEB1 of the Stebbing Neighbourhood Plan, this is consistent with refusal reason 3 of the previous planning application - UTT/23/2496/FUL.

## **14.5 C) Neighbouring Amenity**

**14.5.1** Policy GEN2 also seeks to ensure that development would not have a materially adverse effect on residential amenity. Due to the retention of the landscaping and boundary treatment will have to be implemented to ensure no loss of amenity and capability with the neighbouring properties.

**14.5.2** The distance between the proposed development and the orientation of the site with neighbouring properties is considered sufficient to not result in a loss of privacy or overlooking to neighbouring properties. The altered layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features as such it is considered that the development is in accordance with the aims of GEN2 and the NPPF.

**14.5.3** The submission includes a site plan that shows that the proposed dwellings-built form would be sufficiently distanced from neighbouring

properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2024.

**14.5.4** ULP Policy GEN4 and ENV11 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties.

**14.5.5** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, however, this would not be any further material increase than the existing use of the site.

**14.5.6** In regards to external lighting, due to location of the development it is recommended a condition is included to secure details of lighting external lighting prior to its installation, in accordance with ULP Policy GEN5.

#### **14.6 D) Archaeology**

**14.6.1** In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

**14.6.2** The ECC Archaeological Team have been consulted in regard to the development, the applicants have submitted a Heritage impact assessment which integrates an archaeological desk based assessment within it. They have also undertaken a geophysical survey across the main development areas and undertaken trial trenching in the proposed housing areas. It is advised the trial trenching has found little archaeological deposits present within the area of the housing. Some features were present, but these were largely undated. At present with the existing layout this office would require no further archaeological excavation in the trial trenched areas.

**14.6.3** The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with Policy ENV4 of the Local Plan.

#### **14.7 E) Affordable Housing Mix and Tenure**

- 14.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the National Planning Policy Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 14.7.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the development proposes up to 28 properties. This amounts to up to 11 affordable housing properties, however it is noted the application will exceed the affordable dwellings requirement with 50% provision (14 units).
- 14.7.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. The proposal includes a good mix of smaller units, it is noted the proposal includes a good range of affordable properties to meet the identified housing need. Therefore, the mix is in accordance with the ULP Policy H10 and Stebbing Neighbourhood Plan Policies STEB10, STEB11 and is meeting local and district wide needs and provide appropriate market housing for the area in this regard.

## **14.8 F) Access and Parking**

- 14.8.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.8.2** The application site would be accessed from 4 proposed highway access points along the High Street and pedestrian routes are proposed to the open green space to the west of the site.
- 14.8.3** The Highway Authority previously requested that the developer delivered a new pedestrian crossing and foot way along the High Street, the details of this were to be approved prior to the occupation of the development. Also, a construction management plan should be a condition to ensure highway safety during the construction of the development. Although no comments have been received from the Highways Authority it is likely these points will be requested again.

- 14.8.4** The transport strategy seeks to minimise private car use, whilst recognising the residual need for car-based travel in such locations.

On-site measures will include:

- EV active charging facilities for each unit planned from the outset,
- Maintaining and enhancing access to existing bus services,
- Safe, secure and easily accessed cycle storage for each unit, including visitors;
- Visitor car parking and ability to accommodate servicing and deliveries,
- Shared use community car parking designed to accommodate and relocate existing on-street parking associated with the Stebbing Primary School,
- Home working space within each unit.

- 14.8.5** Policy GEN8 of the Local Plan advises that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards'.

- 14.8.6** The adopted Council's Residential Parking Standards (2013) recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more-bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

- 14.8.7** As such, the proposals and the site itself provide sufficient off-street parking in accordance with the standards to meet the needs of future residents. The provision of electric vehicle charging infrastructure could be secured by way of an appropriately worded planning.

- 14.8.8** Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

## **14.9 G) Nature Conservation & Trees**

- 14.9.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

- 14.9.2** The Council's Ecology Consultant has reviewed the information submitted with the application and advise they are not satisfied that



appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. As such an objection is raised in regards to this matter and it is considered the proposal is in conflict with ULP Policy GEN7.

- 14.9.3** ULP Policy ENV8 considers whether development will be harmful and have impact on Special Verges and advises development will only be permitted if the need for the development and required mitigation outweighs the harm to the nature conservation of the site. It is considered a construction management plan for the special verge could be conditioned to be submitted and approved by the LPA prior to commencement of the development.

**14.9.4** Trees

- 14.9.5** The Council's Landscape Officer has not provided specific comments on tree removal, however, it is noted new native trees would be planted along the north-eastern and south-eastern boundary of the site, in areas of public open space and along new streets. Wildflower grassland would also be planted around the sustainable drainage ponds and in the public open space within the south-eastern part of the proposed development. This would ensure that the tree cover to be lost to facilitate access would be adequately replaced in terms of quantum and quality within the application site.

**14.10 H) Climate Change**

- 14.10.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy and Stebbing neighbourhood plan Policy STEB14 advises how developments should demonstrate the path towards carbon zero and low energy schemes. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

- 14.10.2** The applicant has provided limited information this matter how therefore a condition requiring further details of the renewable energy/climate control measures is therefore necessary.

- 14.10.3** The proposal follows the Energy Hierarchy, with priority given to minimising carbon emissions through reduced energy demand prior to consideration of low carbon and renewable energy supply options. This approach also helps ensure lower operating costs to the benefit of affordability for the end user.

- 14.10.4** A range of sustainable design and construction features are proposed including:

- Highly thermally efficient building fabric,

- Air Source Heat Pumps (ASHP) will be applied to the residential hot water demand, and potentially space heating as well; ASHP will be applied to the non-residential uses's space heating;
- PV will be mounted at roof level to reduce the overall grid electricity Demands,
- The 10% renewable target for predicted energy requirements will be comfortably exceeded;
- Highly efficient lighting to be included;
- Water saving sanitary fittings and appliances to deliver a water efficient development;
- Sustainable Drainage Systems (SuDS) to be provided,
- A series of measures to enhance the bio-diversity value of the Site will be incorporated,
- Suitable waste and recycling facilities will be provided within the Development to collect and segregate wastes,
- The use of materials with a low lifecycle environmental impact and embodied energy,
- Efficient construction and operational waste management.

**14.10.5** The proposed development is considered to be in accordance with the Interim Climate Change Policy 2021, Local Plan Policy GEN2 and the NPPF.

#### **14.11 I) Contamination**

**14.11.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

#### **14.12 J) Flooding**

**14.12.1** The NPPF states that inappropriate development in areas of high-risk 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.

- 14.12.2** The Environmental Agency's website and the Council's policy maps have identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.
- 14.12.3** New major development for housing needs to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.
- 14.12.4** Essex County Council who are the Lead Local Flooding Authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.
- 14.12.5** The proposals, for this reason thereby comply with ULP Policy GEN3, Neighbourhood plan STEB13 and the NPPF.

**14.13 K) Planning Obligations**

**14.13.1** Paragraph 58 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.13.2**
- Provision of 50% affordable housing and self-build units`
  - 25% of Affordable housing being First Homes
  - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010,
  - Maintenance of SuDS including on-going maintenance of drainage, systems where their outfall is beyond the site,
  - Provision and long-term on-going maintenance of public open space,
  - Provision and management of parking area,
  - Secondary Education,
  - School Transport,
  - Libraries,

- NHS

## **14.14 L) Any Other Material Considerations**

- 14.14.1** The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

Core Policy 1: Addressing Climate Change  
 Core Policy 2: Meeting Our Housing Needs  
 Core Policy 3: Settlement Hierarchy  
 Core Policy 5: Providing Supporting Infrastructure and Services  
 Core Policy 10: South Uttlesford Area Strategy  
 Core Policy 19: Rural Area Housing Requirement Figures  
 Development Policy 1: New Dwellings in the Open Countryside  
 Core Policy 22: Net Zero Operational Carbon Development  
 Core Policy 23: Overheating  
 Core Policy 24: Embodied Carbon  
 Core Policy 26: Providing for Sustainable Transport and Connectivity,  
 Core Policy 27: Assessing the impact of Development on Transport Infrastructure  
 Core Policy 28: Active Travel - Walking and Cycling  
 Core Policy 30: Public Rights of Way  
 Core Policy 31: Parking Standards  
 Core Policy 33: Managing Waste  
 Core Policy 34: Water Supply and Protection of Water Resources  
 Core Policy 36: Flood Risk  
 Core Policy 39: Green and Blue Infrastructure  
 Core Policy 40: Biodiversity and Nature Recovery  
 Core Policy 41: Landscape Character  
 Core Policy 43: Air Quality  
 Core Policy 44: Noise  
 Core Policy 52: Good Design Outcomes and Process  
 Core Policy 52a: Good Design Outcomes and Process for Strategic Allocations,  
 Core Policy 53: Standards for New Residential Development  
 Core Policy 54: Supported and Specialist Housing  
 Core Policy 55: Residential Space Standards  
 Core Policy 56: Affordable Dwellings  
 Core Policy 58: Custom and Self-Build Housing  
 Core Policy 61: The Historic Environment  
 Core Policy 63: Conservation Areas  
 Core Policy 64: Archaeological Assets  
 Core Policy 66: Planning for Health and Well-being  
 Core Policy 67: Open Space, Sport and Recreation  
 Core Policy 67a: Management of Public Open Space

## **14.15 M) Planning Balance**

- 14.15.1** As of 7 February 2025, the Council can demonstrate 3.46 years of housing land supply, with the Housing Delivery Test (HDT) being at 69%, the situations of Footnote 8 apply, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. The emerging Local Plan was submitted to the Secretary of State on 18 December 2024 but due to its stage of preparation and as the proposed strategy has not been tested at examination, it should be afforded limited weight
- 14.15.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries weight.
- 14.15.3** In respect to addressing the benefits of the proposed development, the following breaks downs benefits of the development and weight applied.
- 14.15.4**
- 50% affordable housing units (14 units) - **substantial weight**
  - Contribution to the supply of housing - **substantial weight**
  - 3 self-build dwellings - **moderate weight**
  - Enhancement of the access to Local Green Space - **moderate weight**
  - Enhancement to the landscape features of the public open space - **moderate weight**
  - Provision of community car park- **substantial weight**
  - Securing Bio diversity net gain- **substantial weight**
- 14.15.5** Turning to the adverse impacts of development, the negative environmental effect of the development would be the harmful impact caused to the landscape character and visual effects on the character and appearance of the countryside from the introduction of built form in this location, these are considered to be of **moderate harm** to the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints
- 14.15.6** The proposal involves the loss of Local Green Space (LGS), which is designated within the Stebbing Neighbourhood Plan. Policies for managing development within LGS should align with those for Green Belt. Despite the increased accessibility to the LGS from 2.24% to 84.67%, the cited very special circumstances are not considered sufficient to outweigh the harm caused by the development. Consequently, the proposal conflicts with the Stebbing Neighbourhood Plan STEB1, and **substantial weight** is applied to this.
- 14.15.7** Harm to heritage assets is a matter of considerable importance and weight, the harm is considered to be of a **moderate level**, however the

public benefits associated with the development are not considered to outweigh the harm caused to the setting of the designated heritage assets.

**14.15.8**     Neutral Factors

**14.18.9**     All other factors relating to the proposed development have been carefully considered and are capable of being satisfactorily mitigated, such that they weigh neutrally within the tilted balance. These factors include neighbouring amenity, noise, air quality, highway safety and ground conditions.

**14.19**       **N) Other Matters**

**14.19.1**     From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

**14.19.2**     The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

**14.19.3**     The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land

**14.19.4**     The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

**14.19.5**     The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

**15**           **CONCLUSION**

**15.1**         **Previous Application:** The earlier application (UTT/23/2496/FUL) was recommended for approval but was refused by the Planning Committee. The current report aligns with the previous refusal reasons outlined in appendix 1.

- 15.2 Assessment Limitations:** Due to the nature of this application process, it is not possible to provide a detailed assessment of the development and neighbours representations. These matters will be considered the Planning Inspector.
- 15.3 Harm vs. Benefits:** The harm caused by the proposed development is considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii)).
- 15.4 Ecology Objection:** The application has not provided sufficient information in regards to mandatory biodiversity net gains, as required prior to the determination of the application. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act. As such is contrary to the ULP Policy GEN7, the NPPF and the statutory duties imposed on local planning authorities
- 15.5 Local Planning Authority's Role:**  
The Local Planning Authority needs to advise the Planning Inspectorate on whether it objects to the proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

## **APPENDIX 1 - UTT/23/2496/FUL REFUSAL REASONS**

<b>1</b>	<p>The proposals would have a harmful impact on the setting of the scheduled motte castle by impacting on important views of the schedule monument within the landscape and on its visual relationship with the historic settlement along High Street; they would also impact on the Grade II* listed Stebbing Park and Conservation Area by encroaching on open fields that contribute to its prominence and openness.</p> <p>The Local Planning Authority has a duty under Section 66(1) 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.</p> <p>Having regard to the guidance in Paragraph 207 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the setting of the designated heritage assets. The proposals are thereby contrary to paragraph 207 of the National Planning Policy Framework, Policies</p>
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	ENV1, ENV2 and ENV4 of the Uttlesford District Local Plan and Policy STEB1 of the Stebbing Neighbourhood Plan.
<b>2</b>	<p>The application site lies outside the defined settlement development limits of any village or town as defined by the Uttlesford District Local Plan as Adopted (2005) and is thereby located within the countryside. The proposal would introduce a sizeable new development to an area of open countryside. The proposals by reason of its sitting, size and scale would have an unacceptable harmful impact upon the rural character and appearance of the area and loss of open green space. There is no substantive justification for the proposal specifically relating to the developments needs to take place there or being appropriate in the countryside.</p> <p>The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to the scheme would not comply with to the advice in paragraphs 180(b) and 135(c), Policy S7 of the Uttlesford District Local Plan (as adopted) and policies STEB4, STEB6, STEB7 and STEB9 of the Stebbing Neighbourhood Plan.</p>
<b>3</b>	<p>The proposal would represent an unacceptable form of development resulting in a detrimental and harmful impact on the designated Local Green Space. Such inappropriate development would result in demonstrable change to and the loss of part of the Local Green Space, this harm would be contrary to Neighbourhood Plan Policy STEB4 and paragraphs 107, 152, 153 of the NPPF. The harm caused by the development is not clearly outweighed by the very special circumstances.</p>
<b>4</b>	<p>The application does not include a mechanism such as a S106 deed to secure the required planning obligations, this includes:</p> <ol style="list-style-type: none"> <li>I. Provision of 50% affordable housing and self- build units'</li> <li>II. 25% of Affordable housing being First Homes.</li> <li>III. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) - Building Regulations 2010,</li> <li>IV. Maintenance of SuDS including on-going maintenance of drainage, systems where their outfall is beyond the site,</li> <li>V. Provision and long-term on-going maintenance of public open space,</li> <li>VI. Provision and management of community building,</li> <li>VII. Provision and management of parking area,</li> <li>VIII. Secondary Education: (Financial contribution of £117,555),</li> <li>IX. School Transport: (Financial contribution of £21,903.20),</li> <li>X. Libraries: (Financial contribution of £2,178.40),</li> <li>XI. NHS: (Financial contribution of £36,176.00),</li> </ol>



	As such the proposal is contrary to Policies H9 and GEN6 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
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## **APPENDIX 2- National Highways Consultation Response**



### **National Highways Planning Response (NHPR 25-01) Formal Recommendation to an Application for Planning Permission**

**From:** Steven Thulborn (Head of Planning & Development)  
Operations Directorate  
East Region  
National Highways  
[PlanningEE@nationalhighways.co.uk](mailto:PlanningEE@nationalhighways.co.uk)

**To:** Uttlesford District Council

**CC:** [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@nationalhighways.co.uk](mailto:spatialplanning@nationalhighways.co.uk)

**Council's Reference:** S62A/2025/0077

**National Highways Ref:** NH/25/10057

**Location:** Land West of High Street, Stebbing

**Proposal:** Erection of 28 residential dwellings (comprising 14 affordable & 11 private market homes together with 3 self-build plots); provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility)

Referring to the consultation on a planning application dated 17 Feb 25 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);

## **Annex A     National Highways' assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

### **Reasons**

This site is some distance from the strategic road network, given this and the fact that it is to construct 28 residential units, the effect on the Strategic Road Network is unlikely to be severe as traffic will be diluted by the time it reaches any junctions of the on the A120 .

### **Standing advice to the local planning authority**

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

## Appendix 3- Historic England Consultation Response



Sir/Madam Planning Inspectorate  
Planning Inspectorate  
3J Kite Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Dial: [REDACTED]

Our ref: P01588941

5 March 2025

Dear Sir/Madam Planning Inspectorate

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND WEST OF HIGH STREET, STEBBING, ESSEX  
Application No. S62A/2025/0077**

Thank you for your letter of 17 February 2025 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### **Historic England Advice**

The present application is subsequent to app.no. UTT/23/2496/FUL which we commented in our letter of advice dated 15 November 2023. The scheme was refused by Planning Committee in September 2024.

The sites proposed for development comprise two large areas of pasture along the west side of The Downs, north of Stebbing High Street. The plots front the road and form part of the setting of Stebbing Park, the historic site of the manor of Henry the Ferrers, which comprises a scheduled motte castle and a mid-16<sup>th</sup> century timber framed hall, the latter listed at grade II\*. The application sites fall outside of but are also adjacent to Stebbing Conservation Area. The proposals consider the development of the sites for residential uses and would see the introduction of no.28 dwellings grouped in four clusters, plus community parking and local amenity facilities.

The development of this land for residential would introduce considerable instances of harm to the significance of the scheduled motte, grade II\* listed building and conservation area. The introduction of built form in this location would be disruptive in views of the Stebbing Park group, affecting its prominence and with it our ability to understand these assets and their relationships in the landscape. The harm to the conservation area would be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special

character.

We have re-assessed the current scheme and supporting information. Save for some minor changes (the removal of the community/local employment building previously proposed and a discrete addition of trees) the proposals remain largely unchanged from the scheme we assessed in 2023.

Historic England retains their views and position on the present scheme, which is one of objection. We refer you to our previous letter of advice, which is enclosed to this one, for a detailed assessment of heritage impact.

### **Recommendation**

Historic England objects to this application on heritage grounds. We consider that the application does not meet the requirements of paragraphs 212, 213 and 219.

In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

In addition, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks you to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

We also draw your attention to section 38(6) of the Planning and Compulsory Purchase Act 2004, which asks you to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

**Rosa Teira Paz**

Inspector of Historic Buildings and Areas

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## Appendix 4- Natural England Consultation Response

Date: 21 February 2025  
Our ref: 503122  
Your ref: S62A/2025/0077



Planning Inspectorate  
[Section62a@planninginspectorate.gov.uk](mailto:Section62a@planninginspectorate.gov.uk)  
**BY EMAIL ONLY**

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam

**Planning consultation: Erection of 28 residential dwellings (comprising 14 affordable & 11 private market homes together with 3 self-build plots); provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility)**  
**Location: Land West of High Street, Stebbing**

Thank you for your consultation on the above dated 17 February 2025 which was received by Natural England on 17 February 2025

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

### **Other advice**

#### **Priority habitats and Species**

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](https://www.gov.uk).

**Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Dominic Rogers  
Consultations Team