



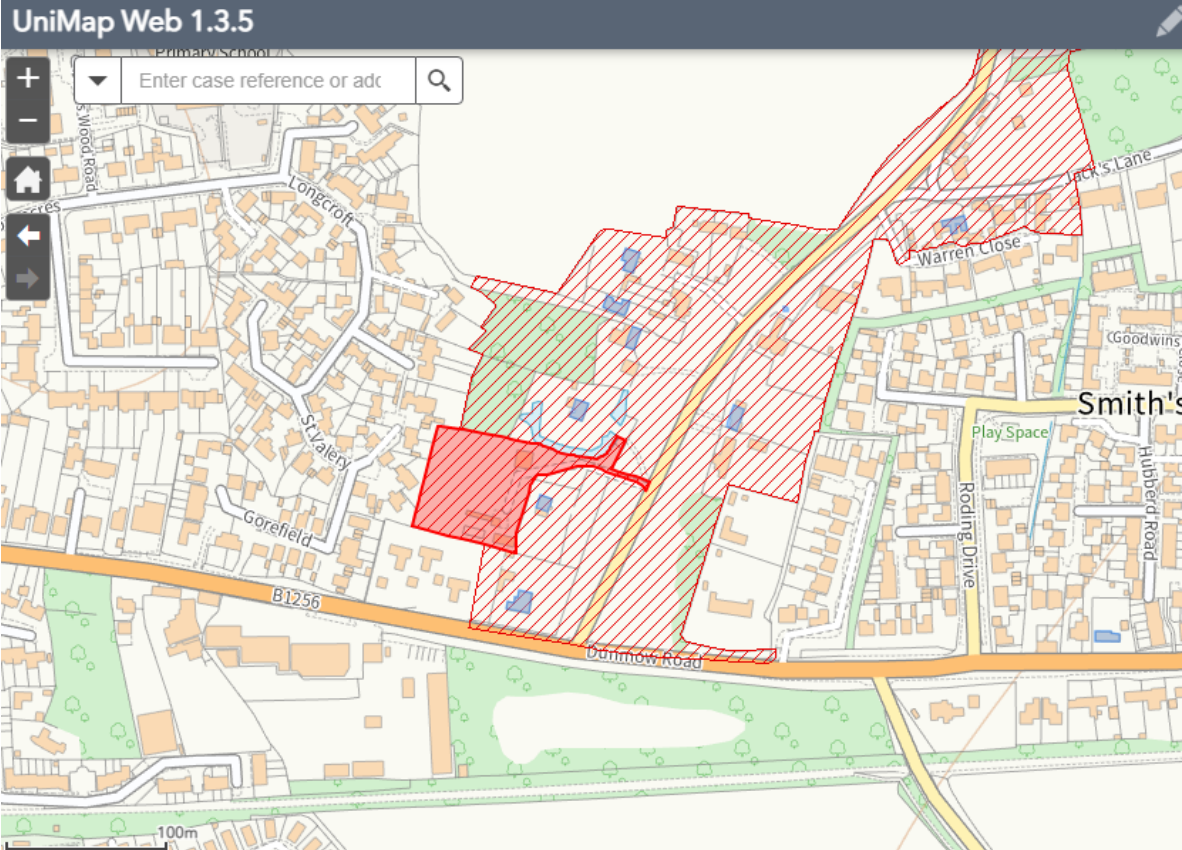
ITEM NUMBER: 8

PLANNING COMMITTEE 09 April 2025
DATE:

REFERENCE NUMBER: UTT/25/0579/PIP

LOCATION: The Croft
Smiths Green
Smiths Green Lane
Takeley
Bishops Stortford
CM22 6NR

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: March 2025

PROPOSAL: Permission in Principle for up to four houses.

APPLICANT: Cllr R Haynes

AGENT: Miss J Norris (The Rural Planning Practice Ltd)

EXPIRY DATE: 14 April 2025

EOT EXPIRY DATE: -

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Most Site/West Boundary Adjacent).
Within Countryside Protection Zone.
Within Conservation Area (Smith's Green).
Setting of Listed Building (Moat Cottage – Grade II*).
Setting of Listed Building (White House – Grade II).
Tree Preservation Orders (South-Western Boundary).
Within 2km of SSSI.
Within 6km of Stansted Airport.
Within 250m of Local Wildlife Site (Flitch Way).

REASON THIS APPLICATION IS ON THE AGENDA: The applicant is an elected member of the council.

1. EXECUTIVE SUMMARY

1.1 This is a permission-in-principle (PIP) application for up to 4 no. houses. The application does not propose any contributions or affordable units. A PIP (if granted) does not comprise planning permission and cannot include conditions.

1.2 The development, by reason of its location and use, would fail to preserve or enhance the character or appearance of the Smith's Green Conservation Area, causing some level of 'less than substantial harm' to its significance. The development, by reason of its location, use and amount, would fail to preserve the setting and special interest of the Grade II* Moat Cottage, causing some level of 'less than substantial harm' to its significance. Public benefits associated with the proposals would not outweigh this harm.

- 1.3 The application of policies in the NPPF (i.e. paragraphs 213, 215) that protect areas or assets of particular importance¹ (i.e. the designated heritage assets of Smith's Green Conservation Area and Moat Cottage) provides a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF. Therefore, the planning balance in paragraph 11(d)(ii) of the NPPF does not need to be applied on this occasion.
- 1.4 In addition, the development, by reason of its location, land use and amount, would fail to preserve the character and appearance of the area because it would harm the established settlement pattern and identity of Takeley and Smith's Green through their physical coalescence (by reducing their remaining countryside setting), and because it would harm the historically linear pattern and loose grain of development in Smith's Green (due to its backland location and the density of the development).

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to REFUSE for the reasons set out in section 17.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises open, undeveloped land to the rear of a 2-storey, detached dwelling (The Croft), located outside development limits between Takeley (west) and Smith's Green (east). The site also contains single storey outbuildings, including 2 no. Nissen huts to the north and 3 no. brick buildings to the south. The site is part of the recently adopted Smith's Green Conservation Area. The Croft was recently delisted (formerly Grade II listed) but there are other listed buildings in the area, including the Grade II* Moat Cottage to the north and the Grade II White House to the south. The site sits on backland position and is part of the countryside and countryside protection zone (CPZ). The area contains dwellings of varying architectural styles, sizes, ages and materials, with a modern development in Takeley and a historic linear and loose layout in Smith's Green. The site is one of the last surviving spaces that discern one settlement from the other.

4. **PROPOSAL**

- 4.1 This is a permission-in-principle (PIP) application for up to 4 no. houses. The application does not propose any contributions or affordable units.
- 4.2 The application includes the following supporting documents:
- Application form
 - Landscape and visual impact assessment
 - Landscape and visual impact assessment – Appendix 1
 - Landscape and visual impact assessment – Appendix 7

¹ See footnote 7 of the NPPF.

- Landscape and visual impact assessment – Appendix 8
- Planning statement
- Transport note.

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

Reference	Proposal	Decision	Date
DUN/0041/64	Site for residential development	Refused	17/02/1964
DUN/0053/71	Site for residential development.	Refused	07/06/1971
UTT/0318/79	Proposed first floor extension of existing kitchen to existing dwelling	Approved with conditions	25/04/1979
DUN/0063/49	Alterations and additions	Approved with conditions	04/04/1949
UTT/0854/77	Proposed first floor extension over part of existing study to form new first floor bathroom.	Approved with conditions	21/11/1977
DUN/0143/60	Site for residential development	Refused	04/07/1960
UTT/0410/77	Erection of living-room/study extension and a new roof over existing study area.	Approved with conditions	29/06/1977

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 Paragraph 40 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 Pre-application discussions (UTT/24/1867/PA) have been held with officers of Uttlesford District Council prior to the application's submission. The key messages conveyed to the applicant with the pre-app included the following:

- The principle of development would not be supported as the proposals would fail to preserve the countryside character and

appearance of the area and lead to physical coalescence between Takeley and Smith's Green to the detriment of the rural settlement pattern and identity, as well as the open characteristics of the countryside protection zone. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for securing well-designed places (i.e. paragraph 135 of the NPPF) contrary to paragraph 11(d)(ii) of the NPPF.

- A permission-in-principle application would not be supported given the above in-principle concerns for the location and land use proposed.
- A fallback position has not been established and the applicant is advised to formally apply to the local planning authority to see if prior approval would be required under Class R (agricultural buildings to a flexible commercial use). If formally established, a fallback position could be given more weight for decision-making purposes. In any case however, a fallback position for a flexible commercial use (Class R) would not outweigh the adverse impacts of the proposed residential development.
- Specialist heritage advice has not been sought by the applicant for this pre-app. If the proposals lead to harm to the significance of designated heritage assets, then this harm will have to be weighed against the public benefits of the proposals. If this heritage balancing exercise shows that the potential heritage harm would not be outweighed by public benefits, the planning balance in paragraph 11(d)(ii) of the NPPF would not need to be applied as the application of policies in the NPPF that protect areas or assets of particular importance (i.e. paragraph 215 of the NPPF) would provide a strong reason for refusing the development proposed (paragraph 11d(i) of the NPPF).
- Reducing the number of units, enhancing soft landscaping in and around the site and ensuring an appropriate layout and design or other mitigation measures would not overcome the above in-principle concerns.

7.3 A statement of community involvement has not been submitted with the application but interested parties were consulted and their comments considered as part of the planning assessment below. The applicant however engaged with the local planning authority, as explained above.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections at this stage. However, further assessment and details will be needed to determine that a suitable and safe access can be achieved for this proposal (see full response in **Appendix 1**).

8.2 Historic England

8.2.1 The nature of the permission in principle application precludes an appropriate assessment of impacts on the significance of the conservation area and setting of surrounding listed buildings. We also note that the planning statement included as part of the supporting information makes reference to the conservation area but fails to recognise the grade II* listed Moat Cottage immediately to the north. Historic England fully concurs with the advice of the conservation advisers on their assessment of the site and need for a detailed application to appropriately assess the impact of proposals for development within this sensitive context. Historic England has concerns regarding the application on heritage grounds as the application does not meet the requirements of paragraph 207 of the NPPF (see full response in **Appendix 3**).

8.3 National Air Traffic Services (NATS)

8.3.1 No safeguarding objection to the proposal at this time (see full response in **Appendix 2**).

9. PARISH COUNCIL COMMENTS

- 9.1**
- **Object:**
 - Within countryside protection zone (CPZ).
 - The CPZ review in the new Local Plan is material consideration.
 - One of the CPZ purposes is to prevent changes to the rural settlement pattern of the area by restricting coalescence.
 - The CPZ review specifically mentions the importance of the Smith's Green CPZ parcel to protect the identity of Smith's Green.
 - Within the Smith's Green Conservation Area.
 - The special interest of the Conservation Area is s importantly found not only in the individual buildings but also all of the open spaces between, the quality of the green, the landscaping and its agrarian setting.
 - The modern development to the west cannot be readily viewed from within the Conservation Area due to distance and the densely planted rear gardens of properties within the Conservation Area, mitigating impacts such as visual prominence and other environmental effects including noise, movement and activity.
 - Potential negative impact to the setting of Grade II* Moat Cottage.
 - Access is likely to require significant improvement.
 - Harm to the character and appearance of the Conservation Area.
 - Potential material overlooking, overshadowing and overbearing effects.
 - No operational farm use in the last 50 years.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objection in principle to this application and recommended conditions for a subsequent TDC application.

10.2 Place Services (Conservation)

10.2.1 The development site is a surviving vestige of the agrarian landscape which once surrounded the historic hamlet of Smiths Green and which contributes to our understanding of its historic character and function as a small and distinct rural settlement. Thus it makes a positive contribution to the significance of the Conservation Area. Developing this site for housing would result in the coalescence of the Conservation Area with the nearby twentieth century housing development in Takeley to the west. This would reduce the legibility of the historic hamlet and fail to reflect the historic settlement pattern of predominantly single detached dwellings with large, undeveloped rear plots which is a contributor to the historic and architectural interest of the Conservation Area. In my opinion, the development of this site for housing would fail to preserve or enhance the character or appearance of the Conservation Area contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and cause a level of less than substantial harm to its significance in terms of the National Planning Policy Framework (NPPF), making paragraphs 212, 213 and 215 relevant.

10.2.2 There are likely to be adverse environmental impacts on the setting and significance of the listed building arising from the proposed urbanising change to residential land use including increased noise, activity levels and movement (including vehicular movement along the access track which is likely to require upgrading), lighting effects and light spill. Residential development for up to four houses is likely to fail to preserve the special interest of the listed building contrary to Section 66(1) of the 1990 Act and represent a level of less than substantial harm to its significance in NPPF terms.

10.2.3 In conclusion, I am unable to support the proposal in principle and do not consider that Permission in Principle is an appropriate application type in this highly sensitive heritage context.

10.3 UDC Conservation officer

10.3.1 The backland location of the proposed development would deviate from the development pattern that is characteristic of the Conservation Area, through the introduction of built form behind a historic building plot within the SGCA boundary. In addition, it would remove the 'green buffer' between the asset and the existing village to the west. The 'green buffer' makes a positive contribution to the character of the asset. The proposals, by reason of their location and the loss of open land that is integral to the heritage asset, would fail to preserve the character or appearance of the CA, leading to 'less than substantial harm' to the significance of the Smiths Green Conservation Area.

10.4 Place Services (Ecology)

10.4.1 No objections in principle subject to submission at TDC stage of ecological information on European protected species (bats and Great Crested Newts), protected species (badger and reptiles), and mandatory biodiversity net gain.

10.5 Place Services (Archaeology)

10.5.1 No objection in principle but the consultee found potential for medieval and post medieval remains within the development area that may be impacted by the proposed development and recommended trial trenching and excavation at TDC stage.

10.6 Safeguarding Authority for Stansted Airport

10.6.1 No objections in principle; however, the detail of what is proposed at this location will need to be reviewed. The landscaping should not include more than 30% of berry-bearing species to avoid creating a habitat for species of birds that are hazardous to aircraft. Any bird boxes should be very small aperture and any new open water bodies should be avoided.

11. REPRESENTATIONS

11.1 A site notice was displayed near the site and notification letters were sent to nearby properties.

11.2 Support

11.2.1 No letters of support were received.

11.3 Object

11.3.1 The following comments were received:

- Potential removal of trees.
- Loss of privacy and overlooking.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues, the impact of the proposals on property values in the area, issues around the deliverability of a planning permission and others are civil matters beyond planning that should not be considered.

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 1990 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 58A of the Town and Country Planning Act 1990 states that:
“(1) Permission in principle may be granted for housing-led development of land in England as provided in section 59A.

“(2) Permission in principle may not be granted for development consisting of the winning and working of minerals.

“(3) For the effect of permission in principle, see section 70(2ZZA) to (2ZZC) (application for technical details consent must be determined in accordance with permission in principle, except after a prescribed period).

“(4) A reference to permission in principle in any provision of this Act in its application to land in Wales, or in its application to functions of the Welsh Ministers or other authorities in Wales, is to be ignored”.

- 12.4** Sections 70(2ZZA) - (2ZZC) of the Town and Country Planning Act 1990 state that:
“(2ZZA) The authority must determine an application for technical details consent in accordance with the relevant permission in principle. This is subject to subsection (2ZZC).

“(2ZZB) An application for technical details consent is an application for planning permission that—

- (a) relates to land in respect of which permission in principle is in force,
- (b) proposes development all of which falls within the terms of the permission in principle, and
- (c) particularises all matters necessary to enable planning permission to be granted without any reservations of the kind referred to in section 92.

“(2ZZC) Subsection (2ZZA) does not apply where—

- (a) the permission in principle has been in force for longer than a prescribed period, and

(b) there has been a material change of circumstances since the permission came into force.

“Prescribed’ means prescribed for the purposes of this subsection in a development order”.

12.5 The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

12.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

12.7 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

12.8 The Development Plan

12.8.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Uttlesford Design Code (adopted July 2024)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport, Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023).

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (December 2024).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S8	The Countryside Protection Zone
	S7	The Countryside
	H4	Backland Development

GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
ENV1	Design of Development within Conservation Areas
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV11	Noise Generators
ENV12	Groundwater Protection
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated Land

13.3 Neighbourhood Plan

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

13.4 Supplementary Planning Document or Guidance

13.4.1 National Planning Practice Guidance.
 Parking Guidance – Part 1: Parking Standards Design and Good Practice (September 2024)
 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace (2025)
 Supplementary Planning Document – Developer's contributions (2023)
 Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)
 Supplementary Planning Document – Uttlesford District-Wide 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: location, land use, amount (S8, S7, GEN1, ENV1, ENV2, ENV3, ENV5, H4, SPD Uttlesford District-Wide Design Code, NPPF)**
 - B Technical details**

14.3 **A) Principle of development: location, land use, amount**

14.3.1 Route to permission:

A *permission in principle (PIP)* application is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical details of the development, including two stages: the first stage (or PIP stage) establishes whether a site is suitable in-principle and the second *technical details consent (TDC)* stage is when the detailed development proposals are assessed² (subject to the grant of permission in principle). The scope of a PIP application is limited to land use, amount, location. Issues relevant to these ‘in principle’ matters should be considered at the PIP stage. Other matters should be considered at the TDC stage³.

14.3.2 Section 336 of the Town and Country Planning Act 1990 and Article 5C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 confirm that a permission in principle is **not** planning permission.

14.3.3 If permission in principle were to be granted, it would **not** be possible for conditions to be attached to the permission in principle⁴.

14.3.4 Local planning authorities should draw on relevant existing information sources and tools to support decisions on whether a grant of permission in principle is appropriate. These may include local sources of evidence e.g. the development plan evidence base, historic environment records or landscape character assessments and external information sources and tools e.g. advice published by statutory consultees⁵.

14.3.5 Emerging local plan and housing land supply:

As of 06 January 2025, the Council can demonstrate **3.46 years** of housing land supply (which includes a 20% buffer). 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 age of the Local Plan is also supportive of this. 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.

14.3.6 Potential fallback position:

Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows changes of use, which might offer a fallback position to the proposed development:

- *Class R (agricultural buildings to a flexible commercial use):*

In the absence of evidence to suggest on the balance of probability that the existing buildings on the site fall within the definition of ‘agricultural

² Planning Practice Guidance, Paragraph: 001 Reference ID: 58-001-20180615.

³ Planning Practice Guidance, Paragraph: 012 Reference ID: 58-012-20180615.

⁴ Planning Practice Guidance, Paragraph: 020 Reference ID: 58-020-20180615.

⁵ Planning Practice Guidance, Paragraph: 042 Reference ID: 58-042-20170728.

buildings' set out in paragraph X of the Town and Country Planning (General Permitted Development) (England) Order 2015 that refers to buildings used for agriculture for the purposes of a trade or business, change of use of these buildings under Class R would be unlikely.

In the absence of evidence on the balance of probability that the existing buildings were used solely for agriculture as part of an established agricultural unit on or before 03 July 2012, change of use of these buildings under Class R would be unlikely.

Prior approval would also be required where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres.

In addition, Class R does not allow physical changes to the dilapidated buildings, which would require planning permission, which further reduces the likelihood of a flexible commercial use for the existing buildings.

Therefore, there is no real prospect (i.e. mere possibility) that the commercial use will be happening; this potential fallback position will be afforded **limited** weight.

- *Class MA (commercial, business and service uses to dwellinghouses):*

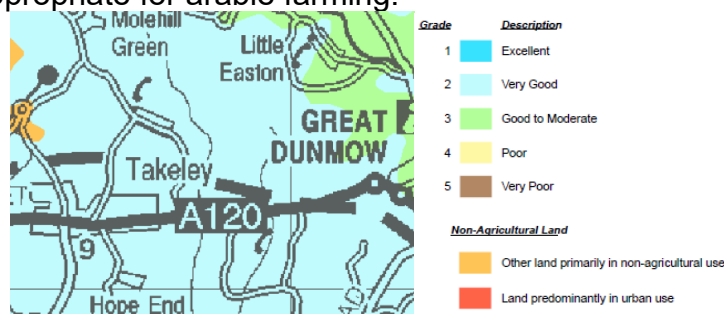
This is not a fallback position. The existing buildings have not been in commercial, business and service use.

- *Class Q (buildings on agricultural units and former agricultural buildings to dwellinghouses):*

This is not a fallback position. The site is on article 2(3) land (i.e. Conservation Area).

14.3.7 Agricultural land:

The site comprises Grade 2 ('Very Good' quality) agricultural land, being part of the district's best and most versatile agricultural land (BMV). The loss of BMV land would conflict with policy ENV5 of the Local Plan. Notwithstanding that policy ENV5 is consistent with paragraph 187(b) of the NPPF, this conflict would be afforded **limited** weight as there is plenty of BMV land in the locality, plus the location and size of the site would not make it appropriate for arable farming.



14.3.8 Isolation and infilling:

Case law⁶ defined 'isolation' as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated, as it abuts the development limits of Takeley with dwellings in the vicinity. Paragraph 84 of the NPPF is not applicable. In addition, paragraph 6.14 of the Local Plan allows "*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*" if the development is in character with the surroundings and have limited impacts on the countryside. The proposals would not be sensitive infilling in the context explained in the following paragraphs (see character and appearance, heritage impacts).

14.3.9 Services and public transport:

The occupants of the proposed dwellings would be able to safely access public transport and everyday services and facilities within accessible walking distances. Movements to and from the site would not be undertaken solely by private cars with sustainable transport modes being prioritised. The location provides good accessibility to services and public transport, and the development would accord with paragraphs 109(e), 115(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.10 Effective use of land:

Even though it is part of the curtilage of the host dwelling (The Croft), the site is not previously developed land⁷, as the NPPF glossary definition excludes land in build-up areas such as residential gardens, and in any case the definition is clear that it should not be assumed that the whole of the curtilage should be developed even if the land was previously developed. In any case, the application asserts that the existing buildings were in agricultural use and recognised that agricultural buildings fall outside the definition of previously developed land⁸.

14.3.11 The proposals would not gain support from paragraphs 124 and 125(d) of the NPPF that require decisions to promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment, and to promote the development of under-utilised land if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. This is because the land is not under-utilised given the location and rural character of the site making a positive contribution to the significance of the Smith's Green Conservation Area (see heritage impacts). In addition, a residential use for the site would not make more effective use of the land given the impact of the development on the character and appearance of the area, leading to coalescence between the settlements. The development would fail to take into account the desirability of maintaining the area's prevailing character and setting

⁶ *Braintree DC v SSCLG [2018] EWCA Civ. 610.*

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

⁸ Planning Statement, p.4.

(contrary to paragraph 129(d) of the NPPF), as it would harm the established settlement pattern and identity of Takeley and Smith's Green, and it would further harm the linear pattern and loose grain of development in the historic hamlet of Smith's Green (see character and appearance impacts).

14.3.12 Therefore, the proposals would **not** gain support from paragraphs 124 and 125(d) of the NPPF or policy H4(a) of the Local Plan, which permits backland development if there is significant under-use of land and development would make more effective use of it.

14.3.13 Character and appearance:

- Local character and application site:

The local character has a rural feel being part of the last surviving countryside between Takeley and Smith's Green. The site, by reason of its edge-of-settlement location, as well as its rural qualities, makes a **significant** contribution to the countryside setting of these villages. This contribution is enhanced as the site preserves the development pattern and identity of the settlements through their physical separation. Therefore, notwithstanding the built form in the vicinity, the application site has an intrinsic character and natural beauty that provides a smooth physical transition away from the modern urban character of Takeley towards the historic character of Smith's Green that has a loose and linear grain of development.

14.3.14 • Countryside protection zone:

Land around Stansted Airport is designated as countryside protection zone (CPZ), which is a non-statutory 'mini green belt'. Policy S8 of the Local Plan aims to provide an extra layer of protection on top of policy S7 (countryside), as this area around the airport is under development pressure.

14.3.15 The Countryside Protection Zone Study (2016) identified CPZ parcels and tested them under its four purposes⁹. The site lies within parcel 5 (Smith's Green) that scored 'high' for its contribution to preventing changes to the rural settlement pattern of the area by restricting coalescence, 'medium' to the first three purposes and 'high' to the potential level of harm to the CPZ if parcels are released. However, a new Countryside Protection Zone Study (May 2024), as part of the evidence base of the Reg 19 emerging Local Plan, recommended changes to the CPZ boundaries which would retain the application site and the area between Takeley and Smith's Green (see figure 14) "*in order to maintain the settlement pattern and identity*" of those villages¹⁰:

⁹ Purpose 1: To protect the open characteristics of the CPZ.

Purpose 2: To restrict the spread of development from the airport.

Purpose 3: To protect the rural character of the countryside (including settlements) around the airport.

Purpose 4: To prevent changes to the rural settlement pattern of the area by restricting coalescence.

¹⁰ Countryside Protection Zone Study (May 2024), paragraph 8.7.

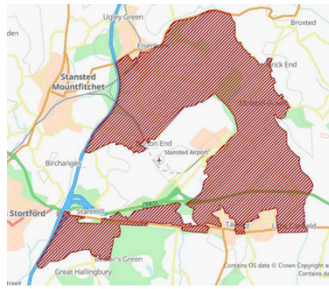


Figure 12 Adopted Countryside Protection Zone

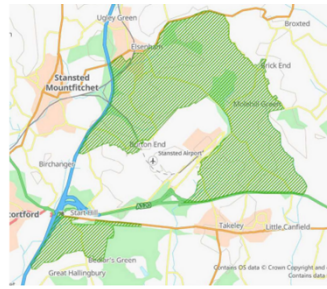


Figure 13 Regulation 18 Countryside Protection Zone

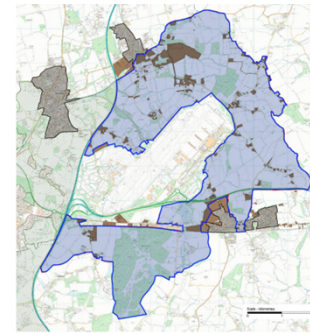


Figure 14 Potential Countryside Protection Zone

14.3.16

- The applicant's case:

The Landscape and Visual Impact Assessment (LVIA) submitted with the application assesses the landscape and visual effects of the proposed development in the study area¹¹ (i.e. the site and its immediate locality), which refer to changes in the fabric and character of the landscape and to changes in the visual amenity of receptors through the available views. The application asserts that the study area has a medium landscape value with low landscape sensitivity¹², and a low-to-medium visual value with the visual sensitivity of potential receptors being low¹³. The application proposes a landscape strategy¹⁴ that includes measures, such as native species planting “to ensure the most sensitive landscape is created to ensure least change to Landscape Character and Views as a result of the development”¹⁵.

14.3.17

The LVIA concludes that “four new houses would become a congruous and natural fit with the local, rural, residential context”¹⁶ of the area because in a 15-year period landscape effects will reduce from ‘moderate’ adverse to ‘minor’ adverse/not significant, and visual effects will reduce from ‘negligible’ adverse to ‘negligible’ beneficial to some viewpoints and remain ‘negligible’ adverse/not significant to most of the viewpoints¹⁷.

14.3.18

However, the LVIA failed to consider the impact of the proposals on the linear development pattern and the loose grain of development in Smith's Green, as well as the importance of the site as one of the last remaining spaces that physically separate Takeley from Smith's Green (and vice versa), maintaining settlement pattern and identity. This is despite the application accepting the character of Smith's Green being “linear village green with large, low density houses” and the dense character of Takeley¹⁸. The LVIA and other submission with the application have not included any references to coalescence between the settlements through the location of the site. Instead, the application asserts that the

¹¹ The LVIA calls this ‘local landscape character area’.

¹² Landscape and Visual Impact Assessment, paragraph 5.2.12.1.

¹³ Landscape and Visual Impact Assessment, paragraph 5.6.1.2.

¹⁴ Landscape and Visual Impact Assessment, paragraph 6.7.1.

¹⁵ Landscape and Visual Impact Assessment, paragraph 7.4.1.

¹⁶ Landscape and Visual Impact Assessment, paragraph 7.1.1.

¹⁷ Landscape and Visual Impact Assessment, pp.34 – 35, tables 6a and 6b.

¹⁸ Landscape and Visual Impact Assessment, paragraph 5.2.2; Planning Statement, 6.9.

development “*does not result in coalescence between the airport and the existing settlement*”¹⁹, which is not what was raised as a concern during pre-application discussions (see paragraph 7.2 above).

14.3.19 In addition, the LVIA is premature as the scale of the dwellings is not known at this stage and would be more meaningful at the TDC stage (if PIP were to be granted), to show the height and massing of the dwellings, with 3D and wire drawings, in juxtaposition with the surrounding landscape and residential properties.

14.3.20 • Impacts on character and appearance:
Development on this site may not visually alter the streetscene but details about the scale, appearance and layout of the proposed dwellings are not known at this stage that would allow such an assessment. However, an assessment of in-principle matters (i.e. location, use, amount) that would affect the character and appearance of the area can be made here based on the findings above.

14.3.21 The development would introduce a residential use with up to 4 no. dwellings on a location that would fundamentally change one of the last remaining undeveloped spaces between the settlements of Takeley and Smith’s Green. Therefore, the development, by reason of its location, land use and amount, would fail to preserve the character and appearance of the area because it would harm the established settlement pattern and identity of Takeley and Smith’s Green through their physical coalescence (by reducing their remaining countryside setting), and because it would harm the historically linear pattern and loose grain of development in Smith’s Green (due to its backland location and the density of the development). The development, by reason of its location, use and amount, would adversely affect the open characteristics of the CPZ.

14.3.22 The 1st and 2nd parts of policy S7 of the Local Plan state that the countryside will be protected for its own sake and permission will only be given for development that needs to take place there, or is appropriate to a rural area. These parts of the policy go beyond the NPPF provisions that do not set an overarching protection to the countryside and shall be afforded **negligible** weight. The 3rd part of policy S7 of the Local Plan requires that development will only be permitted in the countryside if its appearance protects or enhances the particular character of the part of the countryside within which it is set. This part of policy S7 is fully consistent with paragraph 187(b) of the NPPF.

14.3.23 Policy S8 of the Local Plan states that in the CPZ, planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development and development will not be permitted if either of the following apply: (a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside; (b) It would

¹⁹ Planning Statement, paragraphs 5.9, 3, 4.2.

adversely affect the open characteristics of the zone. Although the NPPF takes a less restrictive approach to development than policy S8 of the Local Plan, it is consistent with paragraph 187(b) of the NPPF.

- 14.3.24** By virtue of paragraph 232 of the NPPF and the analysis in the two preceding paragraphs, the 3rd part of policy S7 and parts (a) and (b) of policy S8 of the Local Plan are fully consistent with paragraph 187(b) of the NPPF, which means that these policies may be afforded up to **significant** weight depending on a case-by-case assessment.
- 14.3.25** In this case, the proposed location, use and amount would not protect or enhance the particular character of the part of the countryside within which the development is set (contrary to the 3rd part of policy S7) and would reduce the open character of the countryside surrounding Stansted Airport (contrary to part (b) of policy S8).
- 14.3.26** However, the recent decision in UTT/23/1583/PINS is a significant material consideration testing policies S7 and S8 and is relevant here to ensure the above policy conflicts are afforded proportionate weight. Firstly, the proposals would not detract from the open countryside as a whole but would not be a logical extension of Takeley or Smith's green as the site plays an important role in preserving their separate identity and the settlement pattern in the area. Secondly, given the relatively contained nature of the site with built form on three sides, the proposals would not coalesce existing development with Stansted Airport and would not adversely affect the open characteristics of the CPZ as a whole. Therefore, the conflicts with local policies S7 and S8 would be afforded **moderate** weight for the purposes of the current application.
- 14.3.27** As explained above however the proposed location, use and amount would physically coalesce Takeley and Smith's Green and harm the historic linear pattern and loose grain of development in Smith's Green. Therefore, the development would conflict with paragraph 135 of the NPPF, which requires that developments (a) will function well and add to the overall quality of the area over their lifetime; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting; and (d) maintain a strong sense of place, given that the sense of identity of the separate settlements would be lost. For the same reasons, the development would conflict with paragraph 187 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside. The conflicts with these national policies should be afforded **significant** weight and cannot be outweighed by the public benefits associated with a small development as this.
- 14.3.28** The proposals would also fail to comply with codes C1.1C, ID1.1C of the adopted Supplementary Planning Document – Uttlesford District-Wide Design Code (July 2024), which require, for example, that developments demonstrate an understanding of the key contextual features (such as landscape); and a relationship with the area's local character.

14.3.29 Heritage impacts and balance:

- Introduction:

Statutory requirements relating to listed buildings may apply at TDC stage²⁰. However, appeals included the assessment of heritage impacts at PIP stage inasmuch as they relate to the location, land use and amount of the proposed development. Historic England and Place Services Built Heritage (Conservation) reported their concerns that the application lacks necessary information to fully assess the impact of the proposals on the significance of the heritage assets, contrary to paragraph 207 of the NPPF, especially since the supporting information did not recognise the Grade II* Moat Cottage immediately to the north of the site. Notwithstanding these concerns and that the Grade II* listed building should have been recognised in the submissions, the application cannot be refused on the grounds of conflict with paragraph 207 of the NPPF as the legislation offers the right to a PIP application.

14.3.30 • The Croft:

Place Services Built Heritage (Conservation) reported that 'The Croft' was recently delisted (formerly Grade II) and would not be a non-designated heritage asset but would nevertheless make a positive contribution to the significance of the Smith's Green Conservation Area due to its age and architectural interest being part of the historic development pattern of Smith's Green. The location, use and amount of The Croft would not be changed by the development, and as such, the proposals would preserve the contribution of the building to the significance of the Conservation Area.

14.3.31 • Smith's Green Conservation Area:

The site is within the Smith's Green Conservation Area which derives its significance from "*its small size and high proportion of historic buildings along the village green which permit an understanding of the observable historic building techniques and architectural forms*"²¹. The linear layout and the loose grain of the settlement with large spacious plots, reinforced by its agrarian context and setting, are key contributors to the character and special interest of the Conservation Area²².

14.3.32 Place Services Conservation and the in-house Conservation officer reported that the site makes a positive contribution to the significance of the Conservation Area as a surviving vestige of the agrarian landscape which once surrounded the historic hamlet of Smith's Green and which contributes to our understanding of its historic character and function as a small and distinct rural settlement. The proposals would result in the coalescence of the Conservation Area with the nearby 20th century housing development in Takeley to the west. The loss of this 'green buffer'

²⁰ Planning Practice Guidance, Paragraph: 003 Reference ID: 58-003-20190615.

²¹ Smith's Green Conservation Area Appraisal and Management Plan, paragraph 5.2.

²² Smith's Green Conservation Area Appraisal and Management Plan, paragraphs 5.2, 5.1, 1.1.

would reduce the legibility of the historic hamlet and fail to reflect the historic settlement pattern of predominantly single detached dwellings with large, undeveloped rear plots which is a contributor to the historic and architectural interest of the Conservation Area.

14.3.33 Therefore, the proposed development, by reason of its location and use, would fail to preserve or enhance the character or appearance of the Conservation Area, causing some level of 'less than substantial harm' to its significance (paragraphs 213, 215 being relevant). The degree of harm within the spectrum of 'less than substantial' cannot be quantified at this stage without the technical details.

14.3.34

- Moat Cottage and White House

The site is located to the south of the Grade II* listed Moat Cottage, with its access track running immediately south of the moat, and to the north of the Grade II listed White House. The significance of Moat Cottage derives primarily from its age, evidential and architectural interest as a rural vernacular dwelling of a distinctive typology and of traditional materials and construction.

14.3.35 Place Services Conservation reported that the application has not assessed the contribution of their setting to the significance of the listed buildings and the impact of the proposed location, use and amount to this significance of the assets (contrary to paragraph 207 of the NPPF). Historic maps show that the site was in arable use and in the same ownership and occupation as Moat Cottage, revealing a historic functional connection between the site and the Grade II* asset. The site makes therefore a positive contribution to the significance of Moat Cottage.

14.3.36 Place Services Conservation stated that there are likely adverse environmental impacts on the setting and significance of Moat Cottage from the proposed urbanising change to residential land use, including increased noise, activity levels and movement (including vehicular movement along the access track which is likely to require upgrading), lighting effects and light spill. The proposed amount of up to 4 no. dwellings would also add to these adverse impacts.

14.3.37 Therefore, the proposed development, by reason of its location, use and amount, would fail to preserve the setting and special interest of the Grade II* Moat Cottage, causing some level of 'less than substantial harm' to its significance (paragraphs 213, 215 being relevant). The degree of harm within the spectrum of 'less than substantial' cannot be quantified at this stage without the technical details.

14.3.38 Turning to the other listed building, notwithstanding the absence of proportionate information, due to the intervening distance from the proposed development and access track, it is less likely that the significance of the Grade II listed White House would be harmed by the location, use and amount of development proposed.

- 14.3.39** • Heritage balance:
Paragraph 215 of the NPPF states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the *public benefits* of the proposal including, where appropriate, securing its optimum viable use.
- 14.3.40** Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, *great* weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, despite not being able to quantify the harm within the spectrum of 'less than substantial' due to the application type, the 'less than substantial harm' to the significance of the Smith's Green Conservation Area and of the Grade II* Moat Cottage should be afforded **great** weight.
- 14.3.41** The application asserts that the main area of interest in the Conservation Area is the village green and the site is not visible from the road and has no significance in terms of land use or buildings²³. However, the Conservation Area Appraisal is not an exhaustive document that would mention all the land or buildings that make a positive contribution to the significance of the asset. The agrarian setting of the hamlet is an important contributor to its significance, especially in the light of the coalescence to some degree between Smith's Green and Takeley in recent years²⁴. In other words, the special interest of the Conservation Area "is importantly found not only in the individual buildings but also *all of the open spaces* between, the quality of the green, the landscaping *and its agrarian setting*"²⁵.
- 14.3.42** In addition, lack of visibility from the public realm does not equate to a non-contribution of the site to the significance of the assets. As explained above, the site contributes to the significance of the Conservation Area by being part of the surviving agrarian landscape that helps our understanding of the character and function of Smith's Green, and contributes to the significance of Moat Cottage through their historic functional connection. The 'seismic' change on the field pattern over the last 50 years²⁶ is more of a reason to preserve the surviving agrarian landscape on this part of Smith's Green.
- 14.3.43** On the other hand, the scheme would provide up to 4 no. units in a sustainable location, and would generate a small boost to the local economy and social nexus in the villages. However, the level of such public benefits would be small, and therefore the public benefits associated with the development would not be enough to outweigh the

²³ Planning Statement, paragraphs 6.5, 6.7.

²⁴ Smith's Green Conservation Area Appraisal and Management Plan, paragraph 1.1.

²⁵ Smith's Green Conservation Area Appraisal and Management Plan, paragraph 1.1 (own emphasis).

²⁶ Planning Statement, paragraph 6.10.

harm to the significance of the designated heritage assets, meaning that the heritage balance would **not** favour the proposals, contrary to paragraphs 213, 215 of the NPPF, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policies ENV1, ENV2 of the Local Plan.

14.3.44 Policies ENV1 and ENV2 of the Local Plan broadly reflect the statutory provisions in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively, and therefore the above policy conflicts should be afforded **significant** weight.

14.3.45 Protected species:

Statutory requirements relating to protected species may apply at TDC stage²⁷. However, appeals included the assessment of impact on protected species at PIP stage inasmuch as they relate to the location, land use and amount of the proposed development. Place Services Ecology raised no objections subject to submission at TDC stage of ecological information on European protected species (bats and Great Crested Newts), protected species (badger and reptiles), and biodiversity net gain.

14.3.46 Other material considerations:

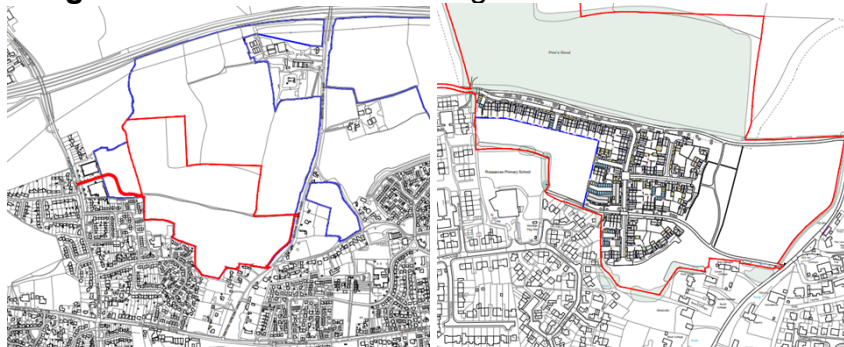
The following decisions are material considerations of varying importance for the application and shall be explored below.

- 14.3.47**
- **UTT/23/1583/PINS** (Land Known As Bull Field, Warish Hall Farm, Smiths Green, Takeley).

Decision: Approved with conditions by Inspector (February 2025)

Description: *S62A/2023/0019 - Access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to 96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure.*

Weight for current decision: Significant.



14.3.48 The Inspector found that “Given the proximity to built development and large areas of open land between the site and the airport, when taken together with the location of Priors Wood, the physical and visual role that

²⁷ Planning Practice Guidance, Paragraph: 003 Reference ID: 58-003-20190615.

the site plays in preventing coalescence is limited. Similarly, given the relatively contained nature of the development area within the application site, I do not find that it would adversely affect the open characteristics of the zone as whole” (paragraph 37). The scheme was different to **UTT/21/1987/FUL** in terms of offering an over 5-hectare open space that would maintain an open character to much of the site (paragraph 39). The Inspector also confirmed that *“Instead of appearing as a large housing development detracting from the edge of settlement character of the area, the proposal would appear as a logical extension of the settlement of Takeley”* (paragraph 42). The conflict with policies S7 and S8 of the Local Plan was found to be *“moderated by the fact that the development proposed needs to take place there due to the lack of an adequate housing land supply in the area”* (paragraph 43). Finally, the Inspector found that public benefits of the scheme outweighed heritage harm (paragraph 59).

- 14.3.49** • **UTT/23/2682/PINS** (Land At Warish Hall Farm North Of Jacks Lane, Smiths Green Lane, Takeley).

Decision: Approved with conditions by Inspector March 2024.

Description: *S62A/2023/0027- Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.*

Weight for current decision: Limited.



- 14.3.50** The Inspector found that the scheme would not materially affect the open characteristics of this part of the CPZ (paragraph 37) and its public benefits would outweigh harm to the significance of the Smith’s Green Conservation Area (paragraph 68).

- 14.3.51** • **UTT/23/0902/PINS** (Land At Warish Hall Farm North Of Jacks Lane, Smiths Green Lane, Takeley).

Decision: Refused by Inspector August 2023.

Description: *S62A/2023/0016 - Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.*

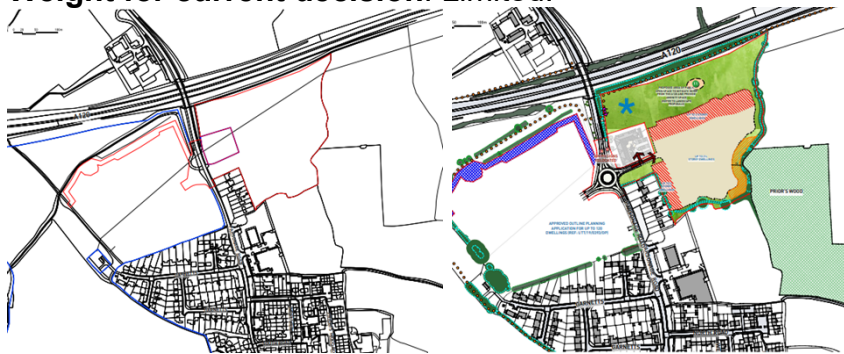
Weight for current decision: Limited.



14.3.52 The application **UTT/22/3126/FUL** was identical to UTT/23/0902/PINS and was held in abeyance awaiting for the outcome of the latter (paragraph 16). The Inspector confirmed that the scheme did not harm the open character of the CPZ subject to an appropriate lighting scheme (paragraphs 39-40) and did not harm the significance of heritage assets (paragraph 49). The conflict with policy S8 of the Local Plan was found to be not significant (paragraph 39).

14.3.53

- **UTT/21/2488/OP** (Land East Of Parsonage Road, Takeley)
Decision: Approved with conditions November 2022.
Description: *Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure.*
Weight for current decision: Limited.



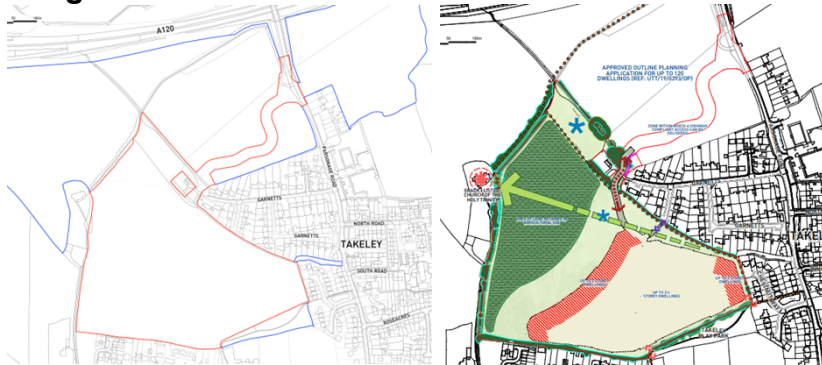
14.3.54 This development was found not to compromise the open characteristics of the CPZ given the site's isolation from the wider countryside and that further development will not be able to come forward due to the constraints of the A120 and existing new development to the west and south. The site exhibited a strong relationship with Takeley unlike the current application site that acts as a physical separation between two settlements. This scheme did not result in heritage harm. The nature of the scheme as major development would also present significant differences to the application in hand.

14.3.55

- **UTT/21/3311/OP** (Land West Of Garnetts, Dunmow Road, Takeley).
Decision: Approved with conditions November 2022.

Description: Outline planning application with all matters reserved, for up to 155 dwellings (including affordable housing and self/custom build plots), as well as public open space, children's play area, land retained in agricultural use, landscaping and all other associated infrastructure.

Weight for current decision: Limited.



14.3.56 Similarly to UTT/21/2488/OP; heritage harm was found albeit was outweighed by significant public benefits, including the provision of public open space.

14.3.57 • **UTT/19/0904/OP** (Land West Of The White House, Dunmow Road, Takeley).

Decision: Approved with conditions September 2020.

Description: Outline planning application (all matters reserved except for access) for erection of three detached dwellings (Self-Build).

Weight for current decision: Limited.



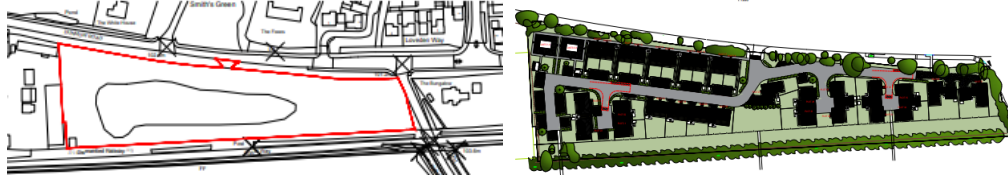
14.3.58 The council had a housing land supply deficit, and the location was found to be sustainable, however, the case officer noted that “*the harm to the openness of the CPZ at this enclosed road frontage location which is ‘bookended’ on its eastern flank boundary by frontage residential properties would not be significant or demonstrable in the planning balance*”. The in-house Conservation officer for the current application commented that the development to the west of the White House was adjacent to Dunmow Road which provided a different set of characteristics, as the proposed layout responded to the interface with Dunmow Road (instead of being in a backland plot against the linear pattern of development in Smith’s Green). Therefore, this site is not comparable to the application site.

- 14.3.59** • **UTT/19/0051/FUL** (Land to the South of Smith's Green, Dunmow Road, Takeley).

Decision: Appeal dismissed November 2019.

Description: *New residential development comprising the construction of 37 no. new dwellings with associated garden and parking provision, dedicated new vehicular and pedestrian access on to Dunmow Road and associated development.*

Weight for current decision: Significant.



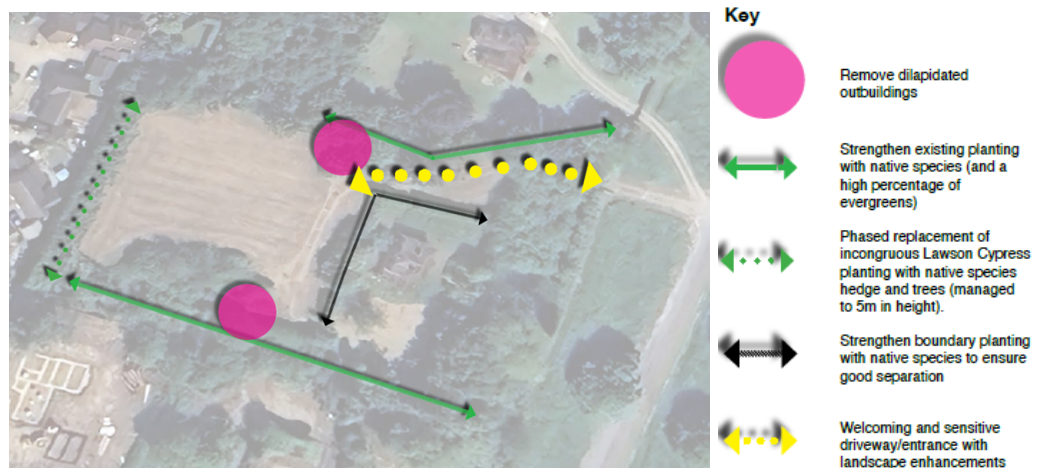
14.3.60 The council had a housing land supply deficit. Despite the differences with the current pre-app scheme, the first reason for refusal was coalescence between Takeley and Smith's Green. The Inspector considered the site *"a clear and recognisable gap between the settlements of Takeley and Little Canfield despite the presence of some low-density housing on Dunmow Road"* (paragraph 4) and found that *"The proposed development would close the gap between the two settlements and have a significantly urbanising effect, to the detriment of the existing open and verdant character. This is notwithstanding the screening that would be maintained by retention of the frontage hedgerow. This would be contrary to the objectives of the National Planning Policy Framework (the Framework), which seeks to create well designed places and ensure good design that is appropriate to its context. It would also be harmful to the objectives of the Countryside Protection Zone, within which the site falls, eroding the open character of land close to Stansted Airport"* (paragraph 5).

14.3.61 The Inspector afforded limited weight to the conflicts with policies S8 and S7 of the Local Plan, however, he afforded significant weight to the harm to the open and verdant character and appearance of the area and the lack of good design in the proposals (paragraph 6). This decision confirms that the conflict with policies S8 and S7 of the Local Plan might not be of significant weight but is still enough to warrant refusal of the development inasmuch as these policy conflicts relate to any failure to preserve the character and appearance of the area and promote good design as per the NPPF requirements.

14.4 B) Technical details

14.4.1 The application states that the proposed dwellings would 1 and 1.5-storey high with 3 or 4 no. bedrooms and 4 no. parking spaces per dwelling²⁸. A landscaping strategy has also been submitted with the application, including native species plantings (see plan). However, these details are indicative at the PIP stage, as appearance, scale, layout, landscaping and other technical details would be finalised at TDC stage (if PIP were to be granted).

²⁸ Planning Statement, paragraphs 2.1, 9.1.



14.4.2 The planning issues beyond location, use and amount of development, including residential amenities, highway safety, parking, contamination, archaeology, flood risk, flight safety, ecological impacts, biodiversity net gain and others, would be assessed at the TDC stage. The following consultees provided comments which are summarised below, however, the consultees would be consulted again at TDC stage (if PIP were to be granted):

- The Safeguarding Authority for Stansted Airport (MAG) raised no objections in principle; however, the detail of what is proposed at this location will need to be reviewed. The landscaping should not include more than 30% of berry-bearing species to avoid creating a habitat for species of birds that are hazardous to aircraft. Any bird boxes should be very small aperture and any new open water bodies should be avoided.
- The National Air Traffic Services (NATS) had no safeguarding objection to the proposal at this time.
- The Highway Authority raised no objections at this stage. However, further assessment and details will be needed to determine that a suitable and safe access can be achieved for this proposal.
- Environmental Health had no objection in principle to this application and recommended conditions for a subsequent TDC application.
- Place Services Archaeology found potential for medieval and post medieval remains within the development area that may be impacted by the proposed development and recommended trial trenching and excavation at TDC stage.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have

due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The application of policies in the NPPF (i.e. paragraphs 213, 215) that protect areas or assets of particular importance²⁹ (i.e. the designated heritage assets of Smith's Green Conservation Area and Moat Cottage) provides a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF.

16.2 Therefore, the planning balance in paragraph 11(d)(ii) of the NPPF does not need to be applied on this occasion.

16.3 In addition, the development, by reason of its location, land use and amount, would fail to preserve the character and appearance of the area because it would harm the established settlement pattern and identity of Takeley and Smith's Green through their physical coalescence (by reducing their remaining countryside setting), and because it would harm the historically linear pattern and loose grain of development in Smith's Green (due to its backland location and the density of the development).

17. REASONS FOR REFUSAL

²⁹ See footnote 7 of the NPPF.

- 1** The application of policies in the NPPF (i.e. paragraphs 213, 215) that protect areas or assets of particular importance³⁰ (i.e. the designated heritage assets of Smith's Green Conservation Area and Moat Cottage) provides a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF. The development, by reason of its location and use, would fail to preserve or enhance the character or appearance of the Smith's Green Conservation Area, causing some level of 'less than substantial harm' to its significance. The development, by reason of its location, use and amount, would fail to preserve the setting and special interest of the Grade II* Moat Cottage, causing some level of 'less than substantial harm' to its significance. Public benefits associated with the proposals would not outweigh this harm. Accordingly, the proposals would be contrary to policies ENV1, ENV2 of the adopted Uttlesford Local Plan (2005), and paragraphs 213, 215 of the National Planning Policy Framework (2024).

- 2** The development, by reason of its location, land use and amount, would fail to preserve the character and appearance of the area because it would harm the established settlement pattern and identity of Takeley and Smith's Green through their physical coalescence (by reducing their remaining countryside setting), and because it would harm the historically linear pattern and loose grain of development in Smith's Green (due to its backland location and the density of the development). Therefore, the development would be contrary to paragraphs 129(d), 135(a), 135(c), 135(d) and 187(b) of the National Planning Policy Framework (2024), policies S7, S8 of the adopted Uttlesford Local Plan (2005), and codes C1.1C, ID1.1C of the adopted Supplementary Planning Document – Uttlesford District-Wide Design Code (2024).

³⁰ See footnote 7 of the NPPF.

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

From: Lorna Parsons - Strategic Development Officer [REDACTED]

Sent: 18 March 2025 14:42

Cc: Transport Development Admin Assistant [REDACTED]

Subject: >> UTT/25/0579/PIP - Highways Response (60914-4B)

UTT/25/0579/PIP - The Croft Smiths Green Smiths Green Lane - Permission in Principle for up to four houses

Dear Avgerinos,

From a highway and transportation perspective the Highway Authority has no objections to the principle of the above applications proposal. **However, it must be noted, that further assessment and details will be needed to determine that a suitable and safe access can be achieved for this proposal.**

Informative:

- i. The technical details consent application must accord with current safety and design standards.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

Kind regards,

Lorna Parsons
Strategic Development Officer



[REDACTED]
www.essex.gov.uk/highways



The Highway Authority is now charging for all pre-planning application advice, full details can be found here [Pre-App Charging](#)

Please note my normal working days are Tuesday, Wednesday and Fridays although this may vary.

APPENDIX 2 – NATIONAL AIR TRAFFIC SERVICES (NATS)

From: NATS Safeguarding [REDACTED]
Sent: 12 March 2025 09:06
To: Planning <planning@uttlesford.gov.uk>
Subject: >> RE: Planning Application Consultation - UTT/25/0579/PIP [SG39046]

Our Ref: SG39046

Dear Sir/Madam

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.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding
[REDACTED]

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



APPENDIX 3 – HISTORIC ENGLAND RESPONSE

re. app.no. UTT/25/0579/PIP Smiths Green, Takeley, Bishops Stortford

Dear Avgerinos,

Thanks for consulting us on the above application and for your follow up email from Friday 21st and attached information which I have only received now.

I have considered the information submitted in support of this application. It is our view that the nature of the permission in principle application precludes an appropriate assessment of impacts on the significance of the conservation area and setting of surrounding listed buildings. We also note that the planning statement included as part of the supporting information makes reference to the conservation area but fails to recognise the grade II* listed Moat Cottage immediately to the north.

Paragraph 207 of the NPPF requires planning authorities to require an applicant to describe the significance of any heritage assets affected including any contributions made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the impact of the proposals on their significance.

At present, the application lacks necessary information to appropriately assess the impact of the proposals on the significance of the conservation area and surrounding designated buildings. In that regard, we note and fully concur with advice of your conservation advisers on their assessment of the site and need for a detailed application to appropriately assess the impact of proposals for development within this sensitive context.

Consequently, Historic England has concerns regarding the application on heritage grounds. We consider the application does not meet the requirements of paragraph 207 of the National Planning Policy Framework.

I hope the above advice is clear, but let me know if you have any questions.

With kind regards,

Rosa

[Rosa Teira Paz \(she/her\)](#)
Inspector of Historic Buildings and Areas | East of England Region

Advance notice of leave: 28th March – 4th April



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