



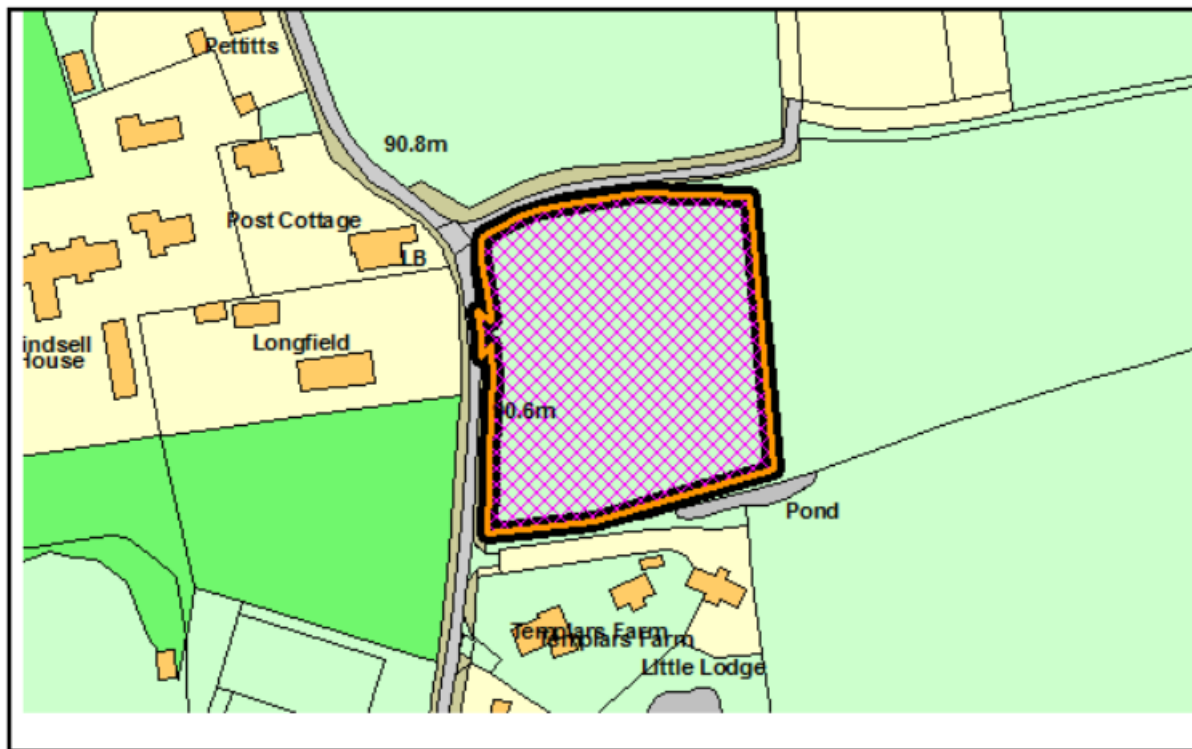
**ITEM NUMBER: 9**

**PLANNING COMMITTEE DATE: 9 April 2025**

**REFERENCE NUMBER: UTT/24/2700/OP**

**LOCATION: Land At Holders Green Road Lindsell Essex**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 03.03.2025

**PROPOSAL:** Outline application with all matters reserved for the erection of up to 5 no. dwellings

**APPLICANT:** Mr Ben Curtis and Ms Hannah Ward

**AGENT:** Miss Madison Harding

**EXPIRY DATE:** 26.12.2024

**EOT Expiry Date** 11.04.2025

**CASE OFFICER:** Natasha Vernal

**NOTATION:** Outside Development Limits  
Appeal Polygons

**REASON THIS APPLICATION IS ON THE AGENDA :** Application of UDC staff member.

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**1. EXECUTIVE SUMMARY**

- 1.1** Outline planning permission is sought by the applicant (Mr Ben Curtis and Ms Hannah Ward) for the erection of up to 5 no. dwellings with all matters reserved apart from access at the site known as 'Land At Holders Green, Holders Green Road, Lindsell'.
- 1.2** The site comprises a rectangular parcel of arable land of around 0.6 hectares, at Land at Holders Green Road outside of the development limits of Lindsell.
- 1.3** The proposals form part of wider developments at the application site, which are subject of separate applications. Ultimately the proposal appears cramped within the plot and, effectively urbanises the entire site. Thus, the proposals are to the detriment of the intrinsic countryside character.
- 1.4** Therefore, on balance, Officers take the view that due to the adverse impacts of the proposal, these 'significantly and demonstrably' outweigh the benefits of the proposed development.

## **2. RECOMMENDATION**

<p>That the Strategic Director of Planning be authorised to <b>REFUSE</b> permission for the development subject to those items set out in section 17 of this report .</p>
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## **3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The area of land subject to this outline planning application relates to the land known as 'Land at Holders Green, Holders Green Road, Lindsell'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The site is located on the north side of Holders Green Road just to and outside any defined settlement boundary limits. The topography of the site is generally level and is approximately 0.6 of a hectare in size.
- 3.3** There are dwellings located to the south of the site, within these dwellings there is one individual dwelling and another four dwellings of which were granted and developed recently. Further dwellings continue to the south. There are additional dwellings the opposite side of the road, which continue to the north.
- 3.4** The application site is generally set in a semi-rural area with residential dwellings consisting of a mixture of forms, sizes and scale located to the north, south and east. Large arable fields used for agriculture are located to the west.

## **4. PROPOSAL**

- 4.1** Outline application with all matters reserved for the erection of up to 5 no. dwellings.

## **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** No site history identified on site.

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

- 7.1** No pre-application advice sought.

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

**8.1 Highway Authority**

**8.1.1** No objections to the proposal.

**9. PARISH COUNCIL COMMENTS**

**9.1** No comments received.

**10. CONSULTEE RESPONSES**

**10.1 ECC Place Services Ecology**

**10.1.1** Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newt and bats) and mandatory biodiversity net gain

**10.2 UDC Environmental Health**

**10.2.1** No objections subject to conditions relating to contaminated land, construction impacts and external lighting along with informative notes that the applicant should adhere to.

**10.3 ECC Place Services Archaeology**

**10.3.1** No objection subject to conditions relating to a submission of a archaeological investigation, written scheme of investigation (WSI) and post excavation assessment.

**11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 16 notifications letters were sent to nearby properties.

**11.2 Support**

**11.2.1** N/A

**11.3 Object**

- 11.3.1**
- Not a wide road for passing vehicles
  - Highway safety
  - Light pollution
  - Doesn't set a precedent
  - Impact on character and appearance of the area
  - Noise pollution
  - Odour from bins
  - Out of character for area
  - Insufficient utilities
  - Lack of sustainability
  - Impact on wildlife

- Lack of utilities

#### **11.4 Comment**

- 11.4.1** The concerns raised on access/highway safety, overdevelopment, impact on the countryside is addressed in the main body of this committee report.

### **12. MATERIAL CONSIDERATIONS**

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

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

(a) The provisions of the development plan, so far as material to the application,;

(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.

#### **12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Uttlesford District Local Plan (adopted 2005)  
 Felsted Neighbourhood Plan (made 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 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 (2024)

### 13.2 Uttlesford District Plan 2005

S7	The Countryside
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
ENV3	Open Space and Trees
ENV13	Exposure to poor air quality
ENV14	Contaminated Land
H10	Housing Mix

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

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

### 13.4 Supplementary Planning Document or Guidance

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

## 14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Principle of Development
  - B) Design Character and Layout
  - C) Residential Amenity
  - D) Highway / Pedestrian Safety
  - E) Biodiversity, ecology and landscaping
  - F) Contaminated Land

### 14.3 (A) Principle of development

14.3.1 The application site is located outside the development limits of Lindsell within open countryside and is therefore located within the Countryside where policy S7 applies.

14.3.2 This 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. 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. It is not considered that the development would meet the requirements of Policy.

**14.3.3** S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy. The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

**14.3.4** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

**14.3.5** The "Planning Balance" is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

#### *Suitability and Location*

**14.3.6**

**14.3.7** Below are examples of residential development approved/ refused within Holders Green Road. For the purposes of this assessment, this assessment will focus on the recent appeal decisions at Daisley House and Homefield, both adjacent to each other along Holders Green Road.

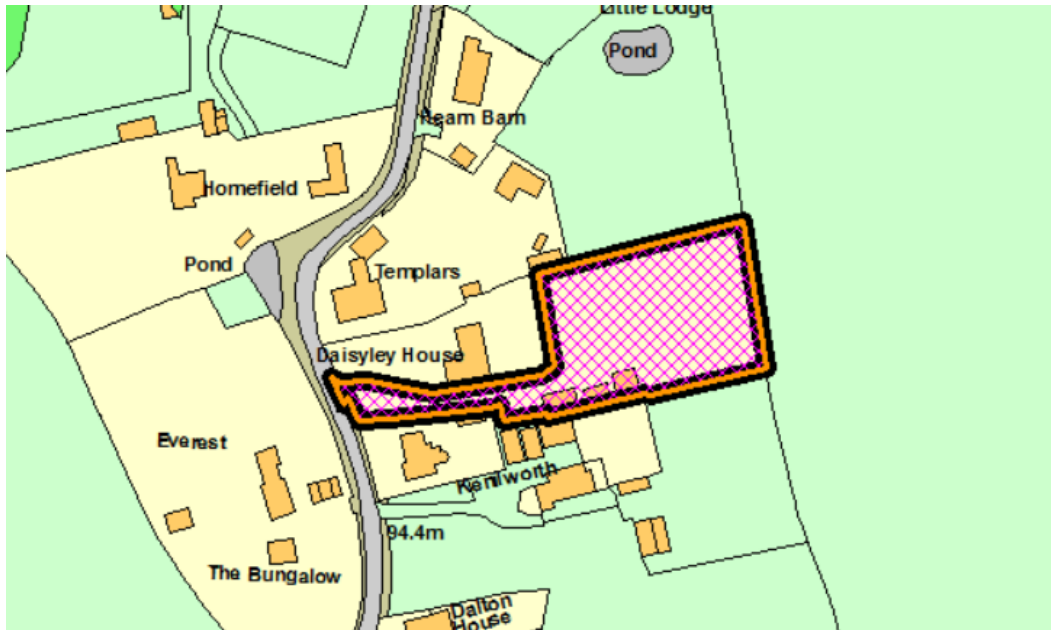
**14.3.8** • UTT/23/2874/FUL – Daisley House, Holders Green Road

Erection of 3 no. dwellings with access from Holders Green Road together with parking, landscaping, and associated works. Refused on 11.06.2024 and Allowed at appeal (APP/C1570/W/24/3349850).

**14.3.9** Below is a site plan of the appeal site at Daisley House situated south-east of this current application. Regarding the site layout, the Planning Inspectorate found that the proposed development would be 'well within the existing cluster of development along Holders Green Road... and would not intrude into the open countryside to the east since the development boundary of the site along with those to the north and south would provide a distinct cut-off. Thus, the character and beauty of the



- 14.3.10** countryside would be protected, and a contribution would be made to the vitality of nearby rural communities.'



- 14.3.11** *Figure 1: Appeal site of Daisley House, Holders Green Road (UTT/23/2874/FUL)*

The Inspectorate found no concerns on accessibility noting that 'the travel options and use of private cars would be little different in the case of residential occupiers of the proposed houses, compared with those living within the development limits of Lindsell and other villages in the district.'

- 14.3.12**

Lastly, the Inspectorate concluded that 'the site is suitably located for the proposed development taking account of its location, its effect on the character and appearance of the area, and its access to services and likely modes of travel. It would not make a harmful impact upon the rural character and appearance of the area. In particular, the proposal would not significantly harm the intrinsic character and beauty of the countryside.'

- 14.3.13**

Taking the above into account, the appeal site at Daisley House was not in conflict with Policy S7 as no harm to the impact on the countryside was raised at appeal given the location of the dwellings proposed situated within a cluster of residential dwellings and its accesses to services and likely modes of travel, therefore appeal was allowed in this regard.

- 14.3.14**

- UTT/23/0306/OP - Homefield, Holders Green Road

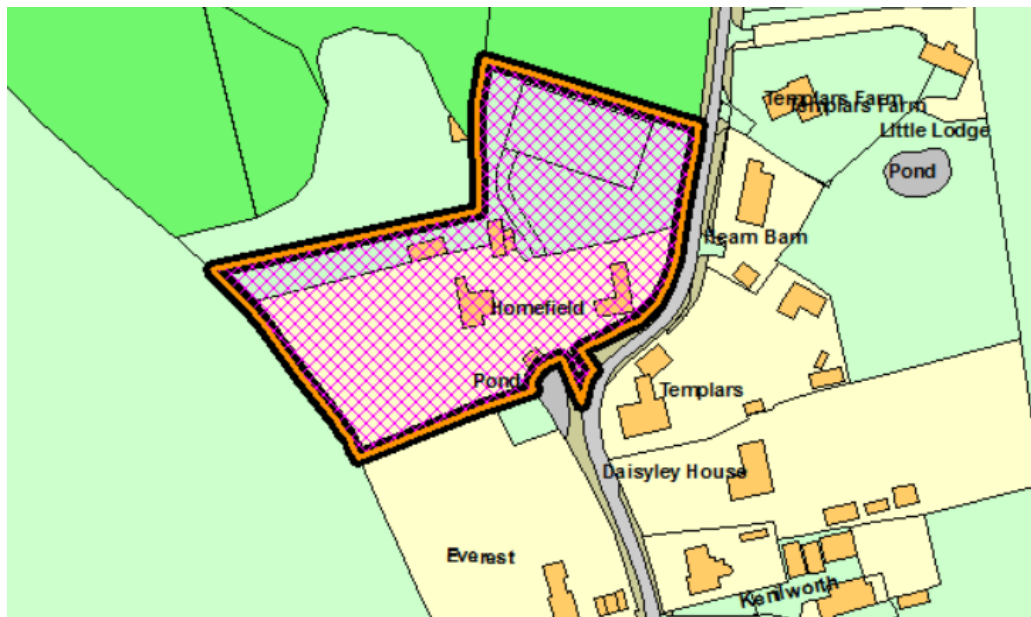
Outline planning application with all matters reserved except access for residential development comprising 5 no. units with associated amenity space and parking. Refused 27.09.2023 and Dismissed at appeal (APP/C1570/W/23/3334475).

- 14.3.15**

Homefield located south-west from the application site and is opposite the recent appeal site at Daisley House. The concern here was that the Planning Inspectorate found the site layout of the proposal was in conflict with the first part of Policy S7 relating to infilling, noting that 'it could not reasonably be described as infilling, given the absence of a continuous

building line.’ The Inspectorate attached little weight to the conflict with the first part of Policy S7.

#### 14.3.16



*Figure 2: Appeal site of Homerfield, Holders Green Road (UTT/23/0306/OP)*

#### 14.3.17

The second part of Policy S7 relates to the visual appearance of the countryside. The Inspectorate found that the proposal complies with the second part of Policy S7 noting that ‘the site is well contained by verdant and mature boundaries, which limit surrounding visibility and limit the perception of the proposal encroaching into the open countryside beyond.’

#### 14.3.18

Regarding Policy H9 relating to housing need, the Planning Inspectorate gave substantial weight noting that ‘the adverse impact of granting planning permission has been found to be the lack of any affordable housing contribution, or suitable justification for its absence. This would undermine the national objective to address the need for different types of housing. The effects of this lack of provision would be significant and long lasting, and would be in conflict with the Framework.’

#### 14.3.19

No harm to accessibility was identified from the Planning Inspectorate as it was noted that ‘there is a bus service which operates through Lindsell, albeit limited, as well as a school bus service. There are, therefore, some alternatives to private car use available and the Highways Authority have recommended a condition requiring the distribution of travel packs to new residents to encourage use of sustainable transport.’

#### 14.3.20

When looking into the public benefits, whilst benefits were identified i.e., four net contribution to the housing stock, economic and ecological benefits, the Inspectorate found that the weight of the benefits arising from the appeal scheme would be modest, given the scale of the proposal. therefore, appeal was dismissed.

#### 14.3.21

Below are other examples of residential development approved within Holders Green:

- UTT/22/1946/FUL - Templars Farm, Holders Green Road - Erection of 4 no. two-storey detached dwellings with associated access, garages, cart lodges, parking and amenities. (Approved)
- UTT/21/1629/FUL - Land Adjacent Templars Farmhouse Holders Green Road - Erection 1 no. detached dwelling, with associated access and amenity (amendment to UTT/20/0349/FUL allowed at Appeal) – Approved on 07.07.2021
- UTT/21/2984/FUL - Land Rear Of Templars Farm Holders Green Road - Erection of 2 no. two-storey detached dwellings and pair of two-storey semi-detached dwellings with associated access, garages, parking and amenity – Approved on 22.12.2021
- UTT/20/2345/FUL - Templars Farm Holders Green Road - Demolition of existing two Storey dwelling with the erection of a pair of two storey semi-detached dwellings, with associated access, parking and amenity – Allowed on Appeal via Reference: APP/C1570/W/20/3264890 on 23.06.2021

#### **14.3.22**

Taking the above sites into account, the sites are clearly different in nature and the assessment of any planning application must accept that each site is assessed on its own individual merits and the reliance of one (or in this case multiple close sites) whilst a material consideration, cannot be used to justify an entirely new site, however close their proximity.

#### **14.3.23**

Whilst that the proposal is not promoting the use of sustainable transport, the NPPF does acknowledge that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas'. Taking the above into account along with recent appeal decisions it is clear that the proposal would not have harm on sustainability or accessibility. The proposal would on balance, meet the requirements on location and sustainability.

#### **14.3.24**

#### **14.3.25** *Countryside Impact*

Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique. Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a sustainable environment in which our social and economic needs, and natural resources, are recognised.

#### **14.3.26**

**14.3.27** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

**14.3.28** The character of Lindsell is one of linear development with development forming a ribbon pattern of development along Holders Green Road.

**14.3.29** The proposed site would allow 5no. new dwellings that can be described in cul-de-sac form of development. Indeed, this layout would cover an expansive area of parcel of land. However, it should be noted that the layout is illustrative, and the final design would be presented at the Reserved Matters stage of development. Therefore, whilst a useful guidance, this cannot be the sole representation of what the development would look like, but a useful indicator.

**14.3.30** It is considered that the proposal would upset the balance and introduce five new dwellings in an urban form of development that would not fit the character and appearance of the rural area that consist of residential development that are linear in form.

**14.3.31** A total of 5no. residential units proposed would represent an inappropriate form of development in the countryside, as the proposal would result to an increased urbanisation and domestication of the site. Ultimately, the proposal would experience more harms due to the quantum of development proposed than other residential development consisting of only 3no. units i.e., Daisyley House (UTT/23/2874/FUL). This level of rural harm would be both significant and demonstrable and were indicated proposed boundary planting to each of the 5no. dwelling plots to reduce the visual impact of the development upon the landscape would not compensate for this level of harm caused.

**14.3.32** The proposal would be akin to more of a housing estate style layout rather than a ribbon/linear form of rural development that consists with the rural character of the area. It is considered that the creation of 5no. dwellings laid out within an expansive area whereby the form of the dwellings, a new access point, increase hardstanding would inappropriately increase the density of development in this rural location causing demonstrable harm to the rural setting.

It is therefore considered the introduction of 5no. dwellings will not be in accordance with the environmental strand of the NPPF and would indeed lead to significant harm by virtue of encroachment into open countryside that will not be outweighed by the positive contribution of housing supply. No justified need to have housing on this plot of land have been identified, contrary to Policy S7 of the adopted Local Plan and the NPPF 2024.

#### **14.4 (B) Character, Appearance and Layout**

- 14.4.1** 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 124 '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.
- 14.4.2** This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes several indicative plans that indicate the key aspects of the design and layout such as the access and position of housing, and landscape features. The density of the site would be approximately three dwellings per hectare.
- 14.4.3** Whilst the layout of the development is a matter reserved for consideration later, the Council must be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden, and open space. It is concluded that the proposals would likely be able to accommodate the required standards, however, this would be addressed when the reserved matters applications are submitted if outline consent is granted.
- 14.4.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.
- 14.4.5** No further comment can be provided at this stage. Any design of the proposed dwelling should aim to take into account the general design principles outlined above as well as those outlined within the Essex Design Guide, a non-adopted but useful SPD outlining design guidance within Essex.

## **14.5 (C) Residential Amenity**

- 14.5.1** Policy GEN2 of the Local Plan states that development should not have a materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 14.5.2** The site is well distanced from neighbouring properties adjoining site including the host dwelling and it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in relation to privacy, loss of light or visual light.

- 14.5.3** Overall, the development does not harm residential amenities, and accords with ULP Policies GEN2, H8, GEN4, the SPD Home Extensions, and the Essex Design Guide.

**14.6 (D) Highways/ Pedestrian Safety**

- 14.6.1** 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.
- 14.6.2** The adopted Council parking standards 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.
- 14.6.3** Policy GEN8 of the Local Plan states 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'.
- 14.6.4** The submitted site block plan illustrate that each plot would provide at least 2no. off-street parking spaces alongside adequate space for secured cycle and refuse storage would be accommodated. ECC Highway Authority were formally consulted and raised no in principle objections subject to an informative that the applicant should adhere to.
- 14.6.5** Therefore, the development meets the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards Design and Good Practice (2024) so that the proposal accords with Policy GEN1 and the NPPF (2024).

**14.7 (E) Biodiversity, Ecology and Landscaping**

- 14.7.1** 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. The NPPF requires development protects and enhances biodiversity.
- 14.7.2** A completed biodiversity questionnaire, along with bat roost assessment, ecological appraisal and biodiversity metric.
- 14.7.3** ECC Place Services Ecology were formally consulted and raised a holding objection due to insufficient ecological information on European

Protected Species (Great Crested Newt and bats) and mandatory biodiversity net gain.

- 14.7.4** No additional information was submitted during the course of this application to address the Ecology holding objection. The proposals are thereby contrary to Policy GEN7 of the Uttlesford Local Plan and the NPPF.

**14.8.1 (F) Land Contamination**

- 14.8.2** Paragraph 187(f) of the NPPF (2024) advises that the environment should be protected by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 14.8.3** Local Plan policy ENV14 ensures that contaminated Land which may cause significant harm is mitigated and remediated by way of a site investigation, risk assessment, proposals, and timetable for remediation.

- 14.8.4** This is an outline application where environmental health impact are reserved matters. The proposal may result in some noise impact during the construction phase, the continued use of the site as residential will not result in an intensification of use of significant noise increase, the proposed use of the site would be compatible with the neighbouring sites and would not have a harmful effect on the amenity of the occupants of the proposed dwellings.

- 14.8.5** Environmental Health were formally consulted and raised no objections to the proposal subject to conditions relating to contaminated land and construction impacts along with an informative note that the applicant should adhere to. The proposal complies with Local Plan Policy ENV14 and the NPPF (2024).

**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. PLANNING BALANCE AND CONCLUSION**

- 16.1** Although the Uttlesford District Council can demonstrate a 5-year housing land supply, there is currently no up-to-date Local Plan.

- 16.2** As a consequence, NPPF paragraph 11(d) is triggered as the policies most important for determining the proposal are out of date. NPPF paragraph 11(d)(i) is not relevant as there are no policies in the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, NPPF paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 16.3** Benefits of the development:

- 16.4** The development would result in the delivery of 5 dwellings. The shortfall in housing land supply although is no significant being 3.46 is likely to continue for some time with no imminent remedy through the plan-making process. The number of dwellings proposed would make a slight contribution to boosting the supply of housing locally. Therefore, the benefit of general housing delivery is given **limited to moderate positive weight**.

- 16.5** The development would secure investment and employment at the construction phase, to benefit local people and businesses. An increase in demand for council services from occupants of the development might offset any benefits from increased council tax receipts, but there would also be more expenditure in local services and facilities from new



residents. Therefore, the economic benefits of the development carry **moderate positive weight**.

**16.6**     Adverse impacts of the development:

**16.7**     The development would have a **significant negative effect** on the landscape, character and appearance of the site and surrounding area. It would significantly diminish the local value of the landscape and would neither protect nor enhance the natural and local environment, in the context of the NPPF. It would have a **significant negative effect** on visual impact on the character and appearance of not only the site but also the wider countryside and surrounding area.

**16.8**     This scheme introduces an urbanising form of development reliant on a site that has no bearing and relation to the characteristics of the area. Whilst indicative, the nature of what is proposed gives some bearing and does not form a cohesive pattern and results in an incongruous form of development. No justified need to have housing on this plot of land have been identified. The proposal would indeed lead to significant harm by virtue of encroachment into open countryside that will not be outweighed by the positive contribution of housing supply. The proposed development would carry **significant negative weight**.

**16.9**     Summary:

It is acknowledged that the 'tilted balance' identified within the Framework is engaged. In the case of this application, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

**16.10**   Overall, it is considered that the harm to the openness and character of the countryside from the proposal significantly and demonstrably outweighs the benefits of the development when assessed against the Framework taken as a whole.

**16.11**   The proposals are contrary to Policies S7 and GEN7 of the Uttlesford District Local Plan as Adopted (2005), Section 12 and 15 of the National Planning Policy Framework 2024. It is therefore recommended that the application be refused subject to the following reasons of refusal.

**16.12**   It is therefore recommended that the application be refused.

**17. REASONS FOR REFUSAL**

- 1 The application site lies outside the defined settlement development limits of any village or town as defined by the Uttlesford District Local Plan 2005 (as Adopted) 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, scale and layout would have a harmful impact upon the rural character and appearance of the area.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects and failing to perform the environmental role of sustainability, contrary to policy S7 of the Uttlesford District Local Plan 2005 (as Adopted) and the National Planning Policy Framework 2024.

- 2 The proposals by way of a lack of information submitted in support of the proposals specifically in relation to sufficient ecological information to determine whether there would be adverse harm resulting from the proposals in relation to Great Crested Newts.

The proposals are thereby contrary Policy GEN7 of the Uttlesford District Local Plan (as Adopted) and the National Planning Policy Framework 2024.

## Appendix 1 – ECC Place Services Archaeology

Place Services  
Essex County Council  
County Hall, Chelmsford  
Essex, CM1 1QH  
T: 0333 013 6840  
[www.placeservices.co.uk](http://www.placeservices.co.uk)



Assistant Director of Planning and Development Control  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
CB11 4ER

Date: 7<sup>th</sup> November 2024

### Specialist Archaeological Advice

Dear Planning,

#### UTT/24/2700/OP Land At Holders Green Road Lindsell

The Historic Environment Advisor of Essex County Council has identified the above application from the weekly list as having archaeological implications.

The following phased recommendation is in line with the National Planning Policy Framework:

#### **RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation**

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation



**analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.**

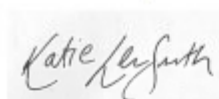
#### **Reason for Archaeological Recommendation**

The Historic Environment Record shows that the proposed development is located between Pettits seventeenth century dwelling and the historic farmstead of Templars evident on the first edition Ordnance Survey map of 1875. There is the potential for similar earlier roadside development within the proposed area. From cropmark evidence there is an enclosure evident to the east of the proposed development and one to the south (EHER4658:48002). Evidence of Roman occupation has been identified to the south of Lindsell. There is therefore the potential for medieval or postmedieval activity within the proposed development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would initially comprise a programme of archaeological trial trenching of the proposed development. A brief detailing the requirements of this work can be obtained from this office.

If you have any questions please do not hesitate to contact me.

Yours sincerely



**Katie Lee-Smith**

**Historic Environment Consultant**

Telephone: 03330 133338

Email: [katie.lee-smith@essex.gov.uk](mailto:katie.lee-smith@essex.gov.uk)

**NOTE:** *This letter is advisory and should only be considered as the opinion formed by specialists in relation to this particular matter.*

## Appendix 2 – Environmental Health

### **Environmental Health Consultee Comments for Planning**

Application Number: UTT/24/2700/OP

Land At Holders Green Road Lindsell

#### **Consultee**

Name: Sadie Stowell  
Title: Environmental Protection Officer  
Tel: x  
Email: Sadie.Stowell@thurrock.gov.uk

Date: 22 November 2024

**Outline application with all matters reserved for the erection of up to 5 no. dwellings**

#### **Comments**

##### **Contaminated Land**

In view of this historic use, and the fact that the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard.

For these reasons, I would recommend that the following condition is attached to any planning consent granted for the outline application as proposed:

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

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

*Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.*

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

*If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.*

### **Construction Impacts**

This development has the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:

*No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan in accordance with the Uttlesford Code of Development Practice 2017 has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:-*

- (a) Dust mitigation and management measures.*
- (b) The location and operation of plant and wheel washing facilities*
- (c) Measure to reduce demolition and construction noise*
- (d) Hours of operation*
- (e) Details of a complaints procedure with a designated person on site responsible for complaint handling*
- (f) Other site specific Environmental Protection issues as requested on a case by case basis*
- (g) The development shall be undertaken in full accordance with the details approved under Parts a-f*

### **External Lighting**

In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse



impacts on residential neighbours from obtrusive/spill-over light, or glare. The following condition is therefore recommended to secure this:

*Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.*

## **Informatives**

### **Renewable Technologies:**

Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

### **Construction Advice:**

Developers are referred to the Uttlesford District Council Environmental Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

### **Contaminated Land Assessment – Environmental Consultant Advice:**

Developers must employ a suitably qualified and competent environmental consultant to undertake the contaminated land assessment in accordance with current guidance and best practice. To this end it is recommended that the developer refer to guidance produced by Essex Local Authorities, Environmental Health departments titled - Land Affected by Contamination - Technical Guidance for Applicants and Developers, which is available for viewing or download on the Council's website in the contaminated land section. It is advised that Uttlesford District Council considers that adequate competency of persons submitting land contamination assessment reports is a prerequisite for such reports being accepted for review. It should be noted that the National Planning Policy Framework (NPPF) advises that site investigation information should be prepared by a competent person. In addition, guidance issued by the Environment Agency advises developers on the stages involved when dealing with land contamination and who is considered to be a competent person;

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

An example of acceptable qualification would be that of a 'SiLC' (Specialist in Contaminated Land). A further example of demonstrating competence in this

field would be to attain qualification as a Suitably Qualified Person under the National Quality Mark Scheme for Contaminated Land Management (NQMS). In the absence of the above competencies, alternatives may be considered on a case-by-case basis.

## APPENDIX 3 – ECC Place Services Ecology



25<sup>th</sup> November 2024

Natasha Vernal  
Uttlesford District Council  
London Road  
Saffron Walden  
CB11 4ER

By email only

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*Thank you for requesting advice on this outline application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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**Application:** UTT/24/2700/OP  
**Location:** Land At Holders Green Road Lindsell  
**Proposal:** Outline application with all matters reserved for the erection of up to 5 no. dwellings

Dear Natasha,

Thank you for consulting Place Services on the above outline application.

**Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newt and bats) and mandatory biodiversity net gain**

**Summary**

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application as further surveys have been recommended for Great Crested Newt. If these surveys are required then details of survey results and any necessary mitigation are required prior to determination. It is also not clear if there are likely to be impacts to bats as a result of this proposed development. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

In general, further clarification should be provided as to whether the southern field boundary is located within the red line boundary of the development. The habitat map supplied within the Ecological Appraisal Report and Bat Roost Assessment (Acorus, August 2024) does not include the vegetation along the southern boundary of the field where the proposed development lies. However, the potential impacts within the ecology report include loss and destruction of GCN, nesting bird and bat roosting habitat which





indicate the potential loss of this vegetation and recommendations include retention of the vegetated boundaries. If direct impacts are suspected upon the vegetation at the boundary of the field then this boundary should be included in the red line boundary of the proposed development.

**European Protected Species – Great Crested Newt:**

The site lies within an Amber Risk Zone for Great Crested Newt (GCN) with eight waterbodies within 500m of the site and five records of GCN recorded within 2km of the site including within ponds within 500m of the site. The closest pond is along the southern field boundary, a few metres from the red line boundary of the site. The Ecological Appraisal Report and Bat Roost Assessment (Acorus, August 2024) has recommended that further surveys should be undertaken to determine presence/absence of GCN such as eDNA surveys on the four closest ponds. Alternatively, it is recommended that the development is carried out under Natural England's district level licence.

The results of the presence/likely absence surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

If the applicant is going to register the site under Natural England's District Level Licensing for GCN (<https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes>) the LPA will need an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration prior to determination where this European Protected Species is likely to be present and affected by development.

However, it is recommended that the applicant's ecologist evaluates the likelihood of GCN being present within the arable field and the extent of the potential impact if the boundary features are included within the red line boundary, and whether a precautionary working method statement would be sufficient in this instance.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

**European Protected Species – Bats:**

The Ecological Appraisal Report and Bat Roost Assessment (Acorus, August 2024) recommends that the two trees with potential to support roosting bats, T1 and T2, are retained. It is noted that these two trees are located outside of the red line boundary and so direct impacts to these trees should not occur as a result of this planning application regardless of the recommendations of the ecology report.



We support the recommendations to reduce indirect impacts to T1 and T2 through the production of a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) or similar document which will detail methods to minimise noise and vibration disturbance around these trees.

The report goes on to say that if avoidance of impacts to T1 and T2 is not possible, that further surveys of the potential roosting features identified in the trees are required. This indicates that the LPA do not have certainty of impacts upon potential roosting features for bats at this stage. If impacts to the trees are likely as a result of the proposed development and further surveys are required to identify if bat roosts are present, the results of these surveys and an outline of any necessary mitigation are required prior to determination.

In addition, we note in the Outline for Residential Plots Site Plan, drawing no. 100\_01 (Acorus, October 2024) that the proposed Plot 4 comes very close to the vegetated boundary to the south of the field and in turn is directly opposite T1 which has potential roosting features for bats. A sensitive lighting strategy for bats will be required for this site and would include no light spill onto the vegetation along the southern boundary, in particular for T1 and T2. It would therefore need to be evidenced that no light spill from the property would occur from any windows on the southern aspect of this dwelling. In addition, it would need to be shown that a physical flight path for bats is still possible along this boundary. Furthermore, it should be evidenced how this tree will be protected from inappropriate management from future residents as although it is not in their garden, future residents may want to manage it given its close proximity to their property. The root protection area would also need to be considered during the construction process.

As a result, we recommend further clarification on the likely impacts upon T1 and T2 is provided and whether further surveys are required prior to determination.

#### **Mandatory Biodiversity Net Gains:**

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

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.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the Small Sites Metric (August 2024) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The habitat map does not include 'Ruderal / Ephemeral' habitat, as set out within the Small Sites Metric. As a result, we recommend that updated map is provided to support the pre-development baseline.



- The hedgerow along the southern boundary of the field is not included although potential impacts are mentioned in the Ecological Appraisal Report and Bat Roost Assessment (Acorus, August 2024);
- A ditch along the western boundary of the site is not included within the Metric but as well as being within 5m of the site, there will also be direct impacts to it through the creation of the entrance of the site;
- The ditch along the southern boundary of the field comes within 5m of the red line boundary but is not included within the Metric.

As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values, it is suggested that this includes the following habitats: modified grassland and urban trees. The HMMP should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30. Any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact us with any queries.

Yours sincerely

**Ella Gibbs ACIEEM BSc (Hons)**  
Senior Ecological Consultant  
Place Services at Essex County Council  
[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

**Place Services provide ecological advice on behalf of Uttlesford District Council**

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

## Appendix 4 – ECC Highway Authority

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**From:** Lorna Parsons - Strategic Development Officer <lorna.parsons@essex.gov.uk>  
**Sent:** 10 January 2025 14:53  
**To:** Natasha Vernal <NVernal@uttlesford.gov.uk>; Planning <planning@uttlesford.gov.uk>  
**Cc:** Transport Development Admin Assistant <transport.develop@essex.gov.uk>  
**Subject:** >> UTT/24/2700/OP - Highways Response (60116 - 4B)

**UTT/24/2700/OP - Land at Holders Green Road Lindsell Essex - Outline application with all matters reserved for the erection of up to 5 no. dwellings**

Dear Natasha,

Thank you for sending through the details of the above planning application.

The Highway Authority has assessed and provided comment to the planning application on the basis of all matters reserved. The proposed access arrangement and indicative layout have not been considered by the Highway Authority. Should consent be granted for this outline application, the applicant must note that when submitting reserved matters applications, it will be necessary to demonstrate that a safe and suitable access to all users can be provided, to the satisfaction of the Highway Authority, and is in accordance with current standards. Furthermore, the site and its internal layout shall be provided in accordance with that recommended in the Essex Design Guide.

From a highway and transportation perspective the Highway Authority has no objections, in principle, to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance, and Uttlesford Local Plan Policy GEN1. **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](mailto:development.management@essexhighways.org).
- iii. The (rural/remote) location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

Kind regards,

**Lorna Parsons**  
Strategic Development Officer

