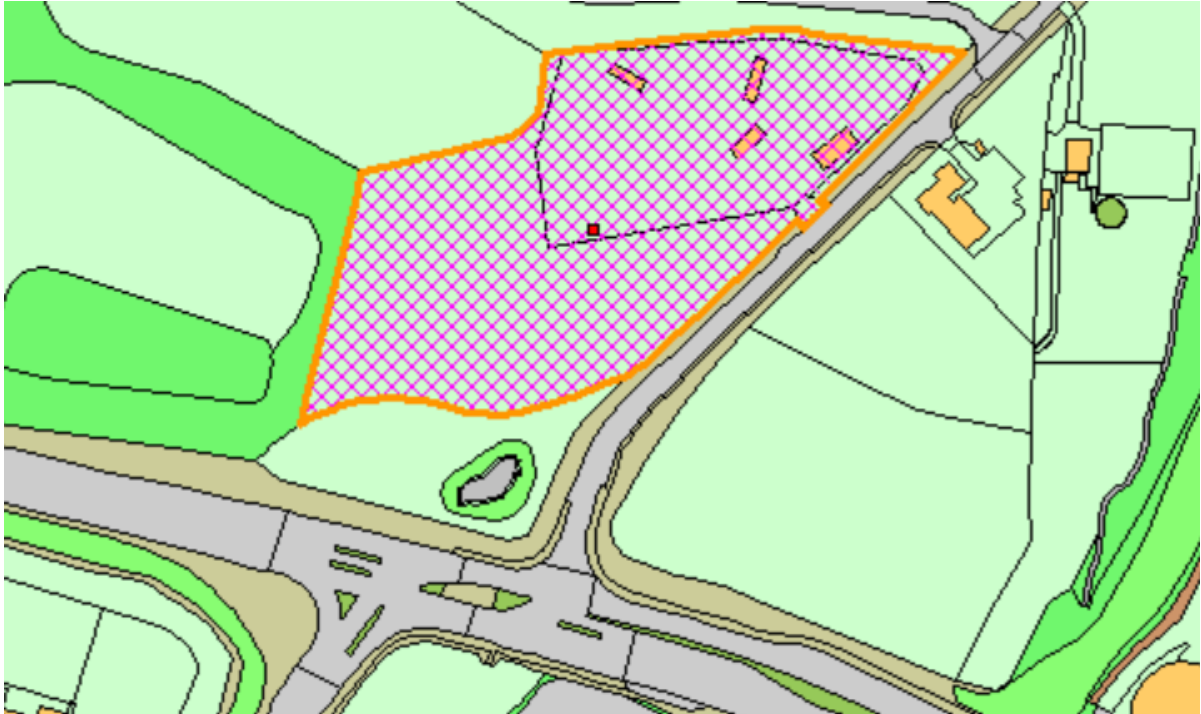


ITEM NUMBER:	8
PLANNING COMMITTEE DATE:	7 May 2025
REFERENCE NUMBER:	UTT/24/1282/FUL
LOCATION:	Land To The North Of Birchanger Lane Birchanger

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 24 Ap 2025

PROPOSAL: Provision of additional six pitches for two static caravans per pitch and provision of covered communal amenity space.

APPLICANT: Messrs O'Connor, Connors, And Delaney

AGENT: G Clarkitecture

EXPIRY DATE: 21 August 2024

EOT Expiry Date 12 May 2025

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits
Metropolitan Greenbelt

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

1. EXECUTIVE SUMMARY

- 1.1** The principle and location of the development for the change of use of the land for the stationing of caravans and mobiles on the adjacent site has been accepted by the grant of permission for the development at appeal in November 2023. Following this most up to date UDC Gypsy and Traveller Accommodation Assessment considers there is a met need of 7 pitches at this particular site. The harm that is caused to the openness of the Green Belt is considered to be outweighed by the personal circumstances of the occupiers of the proposed development which amount to very special circumstances.
- 1.2** Subject to conditions regarding the presence of contaminated land, the development will provide a suitable living environment for its occupiers.
- 1.3** Considering the distance between the site and the nearest residential properties in Birchanger, it is not considered that the development will have a harmful impact upon residential amenity. The highway access and its use are not considered to have any harmful impact upon highway safety.
- 1.4** The harm caused by the proposed development is not considered to

significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole in accordance with paragraph 11d (ii).

2. RECOMMENDATION

2.1

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

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

3.1

The application site comprises a field around 1 ha in size a long frontage to Birchanger Lane to the east, which leads to a roundabout which serves the A120 and the A1250. To the north, is the existing Traveller Site, beyond this is the access road to a hotel and its grounds. The village of Birchanger is to the north of the site and is separated from it by open fields. As well as the hotel, there is also an ambulance station in the immediate vicinity of the site, on the opposite side of Birchanger Lane

3.2

The site is accessed from Birchanger Lane via the existing highway access and includes gates and fencing. The site benefits from the use of stationing of caravan pitches.

4. PROPOSAL

4.1

This application seeks planning permission for an additional six pitches for two static caravans per pitch and provision of covered communal amenity space. As part of this application, it is proposed to create a landscaped earthwork bund within the application site to further enhance the view from the south. Additional trees are also proposed to the eastern boundary adjacent to Birchanger Lane providing additional screening.

4.2

It is also relevant that since the previous planning approval was allowed at appeal there has been changes in circumstances for the current residents of the site. These include marriages and additions to the families which has generated the requirement for additional plots.

4.3

The proposals includes:

- 6 additional caravan pitches
- Each pitch includes space for 2 caravans and spaces for travelling caravans
- Construction of covered shelter area
- Construction of earth bund,
- Landscaping Enhancements

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 UTT/22/3094/FUL

- 6.1.1** Section 73A Retrospective application for change of use of land for the stationing of caravan and mobile homes for residential purposes and ancillary works (comprising the formation of 6 no. pitches, each comprising of 2no. static caravans and 1no. touring caravan).

- 6.1.2** Refused- Allowed at appeal.

6.2 UTT/18/0308/FUL

- 6.2.1** Change of use of land to equestrian use. Erection of stables, creation of hardstanding and erection of fencing. New vehicular gated access off Birchanger Lane.

- 6.2.2** Approved.

7.0 PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** Officers are unaware of any consultation exercise carried out by the applicant for this proposal

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 National Highways– No Objections

- 8.1.1** I have completed our review of the details and information provided. Due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

8.2 Local Flood Authority – No Objection.

- 8.2.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission (Subject to conditions).

8.3 Manchester Airport Group (Stansted Airport)- No Objections

- 8.3.1** No objection raised subject to conditions regarding flight safety matters.

8.4 Highway Authority- No Objections

- 8.4.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to condition regarding the delivery of a 2m wide footway along the frontage.

9. Birchanger Parish Council Comments – Objection.

- 9.1 The site is within the Green Belt. There are no very special circumstances which would justify approval of this application and is another attempt to destroy the Green Belt around Birchanger.
- 9.2 At appeal the PINS Inspector confirmed there were very special circumstances, as before, and the appeal was allowed with extra conditions around noise pollution. See UTT/22/3094/FUL APP/C1570/C/23/3324961 In both cases only the six named traveller families residing on the site would be allowed to remain there.
- 9.3 The Appeal Decision, dated January 23, 2024 paragraph 13 states “*it is clear that there is harm to the green belt from the introduction of mobile homes, touring caravans, hardstanding, fencing, gates, vehicles and domestic paraphernalia.*”
- 9.4 This latest application is for 6 more pitches on a site only approved for 6 and would clearly be against conditions 1, 3 & 5, listed in the January 2024 Appeal Decision.
- 9.5 There are no special circumstances to allow this Green Belt intrusion. There are no families already living on these proposed pitches. Indeed, the site is extremely uneven and would need major work carried out to level it, destroying more flora and fauna. Furthermore, there is an attenuation pond in the area between the proposed bund and the A120 installed as part of the flood prevention element of the roadworks. This pond, being so close to the proposed site, would be very dangerous to any children or animals allowed to run around unsupervised.
- 9.6 The green belt at this point in Uttlesford is a very narrow strip of land and avoids coalescence between neighbouring communities and counties.
- 9.7 The onus is upon UDC to provide pitches elsewhere in the district, not in Green Belt, to provide at least the additional pitches applied for and thus avoid this situation occurring repeatedly. Birchanger Parish Council urge UDC to refuse this application and protect the Green Belt.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No Objection.

- 10.2.1 Concerns raised as the development would be affected by aircraft noise and road traffic noise. The applicants have submitted a dB A Acoustics Noise Impact Assessment dated 30th April 2024.

10.2.2 The results of the NIA indicate that internal noise levels can generally meet the requirements of BS8233 with windows closed as long as the mobile homes are BS 3632:2015 Residential Park Homes. With windows open to provide ventilation and cooling internal noise levels up to 12 dB above the BS8233 standard are predicted. Based on approved Document O (see sections 8.15, 8.16 and 8.17 of the assessment) in these circumstances it is likely that windows will be closed by occupants at night due to excessive noise. Therefore, an alternative means of cooling/ventilation is required and the provision of “comfort cooling”, condition to secure this will be required.

10.2.3 The Environmental Health Team will generally support applications for residential accommodation where the external noise level in amenity areas meets 50 dB LAeq,T and a relaxation up to 55 dB LAeq,T is often accepted in noisier environments. Developments exposed to noise above 55 dB LAeq,T, with all available mitigation measures in place, should normally be refused. Specific to noise, Uttlesford policy EN18 aims to make sure that wherever practicable, noise sensitive developments are separated from major sources of noise such as road, rail and air transport and certain types of industrial development.

10.2.4 The NIA proposes a smoking type shelter with sides and a roof to reduce noise impacts in part of the proposed amenity area from aircraft noise. The Inspectors decision regarding the adjacent site is relevant and regarding noise impacts and condition imposed to make the development acceptable. These conditions should be included if the proposal is approved.

10.3 ECC Ecology- No Objection

10.3.1 We have reviewed the Preliminary Ecological Appraisal and the submitted Biodiversity Net Gain Calculation and the Statutory Biodiversity Metric – Calculation Tool and the relevant plans relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and mandatory Biodiversity Net Gains. We are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

10.4 National Aerodrome Safeguarding – No Objection.

10.4.1 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.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 386 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Summary of Objections

- 11.2.1**
- The original application was for horse grazing and stables, not Caravans;
 - Lack of landscaping;
 - Noise pollution;
 - The site is inappropriate for the use – it is noise contours for Stansted Airport and is therefore subject to noise and air pollution;
 - Out of keeping with the area;
 - Harmful impact to the green belt;
 - No justification to approve the development;
 - The site is unmaintained;
 - Overcrowding of the site;
 - Impact and pressure to local education;
 - The site is unoccupied;
 - There are no special circumstances to approve this application;
 - The submissions are false;
 - The condition imposed on the original application have not been considered;
 - Safety concerns in regard to the proposed landscaping and attenuation pond;
 - No highway trip generation has been provided;
 - Over expansion of the village;
 - The existing permission is conditioned for 12 caravans and 13 individuals to reside here;
 - The proposal will provide 24 static caravans in total

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 Human Rights Act considerations:

12.3.1 Members of the Gypsy, Roma, Traveller community, like all members of the public, have a right to respect for private and family life under Article 8 of the Human Rights Act 1998

12.3.2 There may be implications under Article 1 and Article 8 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.

12.3.3 Article 14 requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination. The Human Rights Act makes it illegal to discriminate on a wide range of grounds including sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

12.4 Planning Policy for Traveller Sites (PPTS)- Dec 2024

12.4.1 The NPPF should be read in conjunction with the Planning Policy for Traveller Sites 31st August 2015 (PPTS) and forms a material consideration for development of the type proposed.

12.4.2 Paragraph 3 of the PPTS states that "*the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.*"

12.4.3 Paragraph 4 sets out the Government's aims in respect of Traveller sites in that,

- a) that local planning authorities should make their own assessment of need for the purposes of planning;
- b) to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
- c) to encourage local planning authorities to plan for sites over a reasonable timescale;

- d) that plan-making and decision-taking should protect Green Belt from inappropriate development;
- e) to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
- f) that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;
- g) for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;
- h) to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply;
- i) to reduce tensions between settled and traveller communities in plan-making and planning decisions;
- j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure;
- k) for local planning authorities to have due regard to the protection of local amenity and local environment;

12.5 The Development Plan

- 12.5.1** 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 21 February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)
 Thaxted Neighbourhood Plan (made 21 February 2019)
 Stebbing Neighbourhood Plan (made 19 July 2022)
 Saffron Walden Neighbourhood Plan (made 11 October 2022)
 Ashdon Neighbourhood Plan (made 6 December 2022)
 Great and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2024)

13.2 Uttlesford District Plan 2005

- 13.2.1** Policy S6 – The Metropolitan Green Belt
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flooding
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land

13.3 Supplementary Planning Document or Guidance

- 13.3.1** Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Uttlesford Interim Climate Change Policy (2021)
Uttlesford Design Code (2024)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2** **A) The effect of the use of the land on the openness of the Green Belt (inc. consideration of any very special circumstances)**
B) Amenity of the occupiers of the site
C) Neighbour Amenity
D) Access, Parking and Transport
E) Contaminated Land
F) Drainage
G) Landscaping
H) Biodiversity
I) Planning Balance
J) Any Other Material Considerations

- 14.3** **A) The effect of the use of the land on the openness of the Green Belt (inc. consideration of any very special circumstances)**

- 14.3.1** The application site is located within the Metropolitan Greenbelt and as cited within ULP Policy S6 a belt of countryside needs to be retained between Harlow, Bishop's Stortford, Stansted Mountfitchet and Stansted Airport as part of the regional concept of containing the urban sprawl of London. Within the Green Belt development will only be permitted if it accords with national planning policy on green belts. Development permitted should preserve the openness of the Green Belt and its scale, design and siting should be such that the character of the countryside is not harm.

- 14.3.2** The NPPF 2024 provides clear guidance and attaches great importance to Green Belts. Paragraph 143 of the NPPF set out the 5 purposes that green belt serves, this includes:

- (a) to check the unrestricted sprawl of large built-up areas.
- (b) to prevent neighbouring towns merging into one another.
- (c) to assist in safeguarding the countryside from encroachment.
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

14.3.3 Paragraph 153 of the NPPF advises when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

14.3.4 Paragraph 155 advises the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- b. There is a demonstrable unmet need for the type of development proposed.
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements.

14.3.5 Grey Belt Land

14.3.5.1 For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143, this includes:

- 14.3.5.2**
- a) to check the unrestricted sprawl of large built-up areas.
 - b) to prevent neighbouring towns merging into one another.
 - d) to preserve the setting and special character of historic towns.

14.3.6 No evidence is provided that the application site is previously developed land. As to considerations of appropriateness, preservation of openness and conflict with Green Belt purposes, these should be applied in light of the nature of a particular type of development. Whether a proposed

facility would preserve the openness of the Green Belt is largely a matter of planning judgement.

14.3.7 The unrestricted sprawl of large built-up areas

14.3.7.1 Several factors could be relevant in applying “openness” to the facts of a case, notably, how built up the Green Belt is now and how built up it would be if redevelopment occurred, and the visual impact on the aspect of openness which the Green Belt presents.

14.3.8 The section of the field included as the application site is an open undeveloped area, with some screening to the eastern boundary, this area makes a positive contribution in preventing encroachment into the countryside. However, it is noted this eastern boundary provides some significant screening from a visual encroachment from the proposed development.

14.3.9 Although there are existing caravan pitches located to the north of the site it is clear the provision of further caravan pitches would result in harm to the openness of the Green Belt from the introduction of mobile homes, touring caravans, hardstanding, fencing, gates, vehicles and domestic paraphernalia.

14.3.10 The Uttlesford Green Belt covers only a very small area of the overall district. The Green Belt Review dated 24 March 2016 confirms that the Green Belt in this area meets purposes of Green Belt Policy, specifically: checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; and assisting in safeguarding the countryside from encroachment.

14.3.11 It is considered the proposals will result in harm to the openness of Green Belt and Green Belt purposes and specifically to the unrestricted sprawl of large built-up areas. The site is free of existing development and lack physical features and is adjacent the built-up area and developed area of the A120 to the south of the site. Although there is already the existing Traveller site to, the proposal would still result in harm to the wider Green Belt in the area.

14.3.12 Taking into consideration the following:

- The location of the development within the designated Metropolitan Green Belt and harm demonstrated.
- High quality score of this particular area of Green Belt (Uttlesford
- Council's Green Belt review 2016).
- 84% of the remaining district is not in Green Belt designation.

14.3.12.1 The site strongly contributes to the unrestricted sprawl of large built-up areas and would result in harm to the openness of Green Belt and Green Belt purposes. The level of harm as a result of the scale of the development and in the context of the wider Green Belt in the area.

14.3.13 Prevention of neighbouring towns merging

14.3.13.1 This purpose relates to the merging of towns, not villages. To the south of the application site is the A120, drainage works, earth bund and landscaping. To the west of the site is wooded area and to the east of the site is Birchanger Lane. These features ensure the introduction of the development would result in any merging of neighbouring site/towns.

14.3.14 Preserving the setting and special character of historic towns

14.3.14.1 This purpose relates to historic towns, not villages. Where there are no historic towns. The location of the application site is not considered to impact the setting and special character of historic towns. The site is not close to any heritage assets where the proposal could impact their setting.

14.3.15 Taking into consideration the assessment of:

- unrestricted sprawl of large built-up areas.
- preventing neighbouring towns merging into one another.
- preserving the setting and special character of historic towns

14.3.15.1 It is considered that although the application site strongly contributes the unrestricted sprawl of large built-up areas, therefore the proposal would not utilise grey belt land and would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposal would be in conflict with the aims of paragraphs 143 and 155 of the NPPF and Local Plan Policy S6.

14.3.16 Very Special Circumstances.

14.3.16.1 Notwithstanding the above assessment to the harm to the Green Belt, the Planning Policy for Traveller Sites 2024 (PPTS) advises inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances, this is also consistent with the aims of the NPPF.

14.3.17 The decision of the previous planning appeal gave weight to the need for additional travellers' pitches within the district. The PPTS requires local planning authorities to make their own assessment of need for the purposes of planning, to set pitch targets for travellers which address the likely needs, and to identify a supply of specific deliverable sites sufficient against their locally set targets.

14.3.18 The most up-to-date published UDC Gypsy and Traveller Accommodation assessment of current need forms part of the evidence document of Regulation 19 of the emerging Local Plan. This confirms the existing 6 pitches on the site and the need of a further 7 pitches, this

most up to date evidence is considered to hold substantial weight in meeting the identified need for pitches.

14.3.19 In regard to personal circumstances, the existing pitches on the site were approved as part of the previous appeal and approved subject to a specific personal occupation condition. The requirement of the additional pitches is due to the increase of the family members since original occupying the site. Information provided with the application explains due to the increase of family members there is an urgent need for the additional pitches, of which a number of the occupiers would be of school age.

14.3.20 The additional pitches will provide the children access to attend local schools and education. The best interests of the children are a primary consideration. The children's best interests are to have a secure and settled home from which to access health and education services. It was highlighted at the appeal at the time that should the appeal be dismissed there would be an infringement of the proposed occupier's human rights under Article 8 of the European Convention on Human Rights. This refers to the right to a family life and the home.

14.3.21 The Council does have a duty to protect Green Belt land (including its visual amenities: the land and the caravans are visible from outside the site), it is considered that in this case, the personal circumstances of the occupiers and the required needs for additional pitches at this specific location hold significant weight. Third party comments along the lines of rewarding intentional unauthorised development and the subsequent disregard for planning conditions are noted. However, the planning system is not punitive and for the reasons discussed above, it is considered the principle of this development in the green belt remains acceptable.

14.4 B) Amenity of the occupiers of the site

14.4.1 Paragraph 135 of the NPPF requires development to create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future occupiers. Policy GEN2 of the Local Plan advises development will not be permitted unless, amongst other things, it provides an environment which meets the reasonable needs of all potential users.

14.4.2 The site is within 6km of Stansted Airport and in close proximity to the A120 and the M11. Aeroplane and traffic noise and traffic pollution are therefore issues that affect the occupiers of the site on a daily basis. The PPTS requires proper consideration of the effect of local environmental quality (such as noise) on the health and well-being of any travellers that may locate there or on others as a result of new development.

14.4.3 A Noise Impact Assessment has been submitted with the application and found that in order to maintain both thermal and acoustic comfort during

overheating conditions it is proposed to provide alternative means of cooling as previously proposed for the adjacent site to discharge the conditions of the planning consent. With the static caravans orientated with the long side towards the M11 and airport, noise levels in external amenity are predicted to generally be compliant with the upper guideline with the exception of busy summer periods at the airport.

14.4.4 Similarly, with acoustic screening the communal external amenity area is predicted to achieve the upper guideline level of 55dB except when aircraft are overhead at busy times when as a worst case a 2dB exceedance is predicted. It is proposal to mitigate this with a communal smoking shelter style roofed amenity area that is predicted to meet WHO/BS8233:2014 upper limit.

14.4.5 The Council's Environmental Health Officer has been consulted and advised the proposed noise mitigation measures to achieve internal noise standards are extensive and require that only static caravans that meet the required noise insulation specification, have comfort cooling and are appropriately orientated with entrances away from the M11 or have lobbied entrances are permitted at the site. These are onerous requirements that will require future occupiers of the site to have upgraded static homes prior to occupying the site. The residents will also have to close windows and rely on air conditioning to achieve reasonable noise levels inside the dwellings.

14.4.6 In higher noise areas, such as areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited.

14.4.7 The Inspectors decision regarding the adjacent site is relevant and regarding noise impacts considered the very special circumstances which would justify the granting of planning permission. It is concluded that this application includes similar very special circumstances and therefore subject to conditions that were used on the adjacent site the application would be acceptable.

14.4.8 Subject to the conditions, it is considered the development complies with the NPPF (2024) and Policy GEN2 of the Local Plan in terms of the amenity of the occupiers of the site.

14.5 C) Neighbour Amenity

14.5.1 Policy GEN2 of the Local Plan requires, amongst other things, that development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive

property as a result of loss or privacy, loss of daylight, overbearing impact or overshadowing. Policy GEN4 of the Local Plan requires that development does not have an adverse impact upon the amenities of the occupiers of surrounding properties through noise and vibrations, smell, dust, light and fumes.

14.5.2 The proposed development does not compromise neighbour amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between the site and the neighbouring properties. The development therefore respects residential amenity, with the nearest dwellings. While the development would have resulted in a limited increase in the number of vehicular movements and associated noise when the caravans and mobile homes were taken onto the adjacent site in 2018, it is not considered that the grant of a new permission on this section of the site would have a significant material change in this regard to the existing situation on the site.

14.5.3 Any noise created by the site would be against the background noise of the M11 and the A120 (and intermittent aircraft noise). It is not considered that such noise would be material or harmful to the amenities of the occupiers of the dwellings in Birchanger. The nearby ambulance station would not be adversely affected either due to the commercial nature of the property.

14.5.4 It is accordingly considered that the development complies with Policies GEN2 and GEN4 of the Local Plan and the NPPF (2024) with regard to neighbour amenity.

14.6 D) Access, Parking and Transport

14.6.1 Policy GEN1 advises the main road network must be capable of carrying the traffic generated by a development and it must not compromise road safety. Policy GEN8 refers to the Council's Parking Standards and requires development to comply with them. There is an existing access to the site off Birchanger Lane by way of a gated access set well back from the lane.

14.6.2 At the time of the previous appeal on the site, the Inspector did not raise any concerns regarding the access and highway safety. The Highways Authority have been consulted and have not raised any objections subject to conditions. The access was found to be acceptable for existing caravan pitches on this site and from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

14.6.3 The development is therefore considered to comply with Policy GEN1 of the Local Plan and given the size of the site and the ample parking space available, the development complies with the Council's Parking Standards and Policy GEN8 of the Local Plan.

14.7 E) Contaminated land

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

14.7.2 The Council's Environmental Health Officer has been consulted as part of the application no objections or further recommendations have been raised. Due to the previous use of the site application site there is the potential risk of contamination, as such a condition should be included that during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/developer shall notify the Local Planning Authority without delay. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

14.8 F) Drainage

14.8.1 Policy GEN3 of the Local Plan and the NPPF seeks to ensure that development has an acceptable impact upon flood risk and does not increase the risk of other sites flooding.

14.8.2 A Sustainable Urban Drainage Strategy was submitted as part of the application which has been assessed by the Lead Local Flood Authority. The strategy was found to be acceptable. Accordingly, the submission of a detailed surface water drainage strategy, a scheme to minimise the risk of off-site flooding caused by surface water run-off, a maintenance plan for the surface water run-off system, and keeping yearly logs of the maintenance may be secured by condition.

14.9 G) Landscaping

14.9.1 Paragraph 135 (b) of the National Planning Policy Framework (2024) advises 'Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'. While there is some screening to the boundary of the site there is no landscaping on the site itself and little or no landscaping along the eastern boundary. The submitted site plans include some details of landscaping however it is considered a more detailed plan is required and can be secured by condition.

14.10 H) Biodiversity

14.10.1 Policy GEN7 and the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term

protection of protected species.

14.10.2 The Council's Ecology Consultant (Place Services) have reviewed the ecology appraisal submitted with the application and they are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

14.10.3 With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Calculation (MM Environmental Ltd, January 2025) and the Statutory Biodiversity Metric – Calculation Tool (January 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 and we are satisfied that submitted information provides sufficient information at application stage.

14.10.4 Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

14.11 I) Planning Balance

14.11.1 The Planning Policy for Traveller Sites (2024) (PPTS) describes the importance of maintaining a five-year supply of deliverable sites for gypsies and travellers. The most up-to-date published UDC Gypsy and Traveller Accommodation Assessment of current need forms part of the evidence document of Regulation 19 of the emerging Local Plan. This confirms the existing 6 pitches on the site and the need of a further 7 pitches, this most up to date evidence is considered to hold substantial weight in meeting the identified need for pitches.

14.11.2 It is clear that a refusal of planning permission would interfere with the Article 8 rights of those already living on the appeal site and the growing size of the family. Indeed, the Courts have held that Article 8 imposes a positive duty to facilitate the gypsy way of life, as defined by race and ethnicity rather than planning policy. Any interference in this regard must be balanced against the public interest in upholding planning policy to protect the environment generally.

14.11.3 Both the Framework and PPTS state that inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances. There is harm on this basis and moderate harm caused due to the loss of openness. Substantial weight is to be afforded to this level of harm.

- 14.11.4** Set against this harm, it is considered the general need for pitches situation leans in favour of the proposed development, especially as the most up to date UDC Gypsy and Traveller Accommodation Assessment consider there is a met need of 7 pitches at this particular site. It is therefore considered the unmet need merits significant weight.
- 14.11.5** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out- of- date. This includes where the five- year gypsy and traveller land supply cannot be met. As the Council is currently unable to demonstrate a 5YHLS in this regard, increased weight should be given to the delivery of such sites when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 14.11.6** The following breaks down the economic, social and environment benefits of the development:
- 14.11.7** Economic
The occupiers of the site would contribute to the local economy in the long term.
- 14.11.8** Social
The provision of the pitches to contribute to the 5-year gypsy and traveller land supply Accessible to local services, including schools and medical facilities.
- 14.11.9** Environmental
The development does harm the openness of the Green Belt. However, the circumstances of the site and its occupiers are considered to represent the very special circumstances necessary to outweigh the harm to the Green Belt by the development, when assessed against the policies in the NPPF taken as a whole as per paragraph 11d (ii).
- 14.11.10** Furthermore, it is considered that the personal accommodation needs of all of the occupiers are considerable. The harm caused by the possibility of displacing the family to other sites, especially children who require education places are significant. It is concluded there is a strong possibility that they would have to resort to an unauthorised encampment or roadside living. This would likely be seriously detrimental to their health and this merits significant weight.
- 14.11.11** The PPTS advises that applications decisions should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community, also to ensure that children can attend school on a regular basis.

14.11.12 In regard to a temporary planning permission, it is clear the family occupying the site may possibly grow in the future and therefore it is assumed there will be a requirement for the continued use of this site as proposed. Together with the requirement of an unmet need of 7 pitches at this site there is no justification, that these matters are unlikely to be resolved in the short or even medium term. As such a temporary planning permission would not be proportionate as it would not balance the protection of the public interest against the families' human rights.

14.11.13 It concluded the harm to the Green Belt and poor living conditions (noise) are clearly outweighed by other considerations. Having regard, in particular the personal accommodation needs of all of the occupiers are considerable. The harm caused by the possibility of displacing the family to other sites, especially children who require education places are significant. It is considered these matter amount to very special circumstances which would justify the granting of planning permission.

14.12 J) Any Other Material Considerations

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

14.12.2 Core Policy 1: Addressing Climate Change
Core Policy 31: Parking Standards
Core Policy 36: Flood Risk
Core Policy 40: Biodiversity and Nature Recovery
Core Policy 41: Landscape Character
Core Policy 43: Air Quality
Core Policy 44: Noise
Core Policy 66: Planning for Health and Well-being
Core policy 60: The Travelling Community

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. Members of the Gypsy, Roma and Traveller community, like all members of the public, have a right to respect for these matters and have been taken into account in the determination of this application.

16. CONCLUSION

16.1 The proposed development is considered to be in accordance with both local and national planning policies and therefore subject to conditions is recommended for approval.

16.2 The principle and location of the development for the change of use of the land for the stationing of caravans and mobiles has been accepted by the grant of permission for the development at appeal in November 2023. Following this most up to date UDC Gypsy and Traveller Accommodation Assessment consider there is a met need of 7 pitches at this particular site. The harm that is caused to the openness of the Green Belt is considered to be outweighed by the personal circumstances of the occupiers of the proposed development which amount to very special circumstances.

16.3 Subject to conditions regarding the presence of contaminated land, the development will provide a suitable living environment for its occupiers.

16.4 Considering the distance between the site and the nearest residential properties in Birchanger, it is not considered that the development will have a harmful impact upon residential amenity.

16.5 The highway access and its use are not considered to have any harmful impact upon highway safety.

16.6 The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole in accordance with paragraph 11d (ii).

17. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

PRE COMMENCEMENT

- 3 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Uttlesford District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply, in accordance with ULP Policy GEN7 and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

- 4 Prior to the commencement of the development hereby approved any significant on-site enhancements included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain

Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been

completed after 30 years. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development, in accordance with ULP Policy GEN7 and the NPPF.

- 5 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON:

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with ULP Policy GEN3 and the NPPF.

- 6 Prior to construction of the development hereby approved a scheme for foul water drainage works, including connection point and discharge rate,

shall be submitted to and approved in writing by the Local Planning Authority.

The foul water drainage works must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with ULP Policy GEN3.

- 7 Any works which will impact the breeding or resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 8 Prior to the commencement of the development hereby approved a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of “biodiversity protection zones”.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include a precautionary working method statement for bats and trees, protection of Stebbing Brook and of The Downs, Stebbing Special Roadside Verge/Local Wildlife Site.

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present onsite.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policies GEN7 and ENV7 of the Uttlesford Local Plan (2005).

- 9 Prior to commencement of the works, a scheme to be submitted to and approved by the Planning Authority for the delivery of a 2m wide footway along the site's frontage to include but not limited to pedestrian crossings at appropriate locations.

For the avoidance of doubt, this shall include full depth construction and surfacing. The approved scheme shall be delivered prior to first occupation.

REASON: In the interest of highway safety and accessibility and in accordance with ULP Policy GEN1.

SLAB LEVEL

- 10 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.
- The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2024, s40 of the NERC

Act 2006 (as amended) and Policies GEN7 and ENV8 of the Uttlesford Local Plan (2005).

- 11 Prior to any works above slab level details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwelling hereby approved and shall be maintained as such in perpetuity.

The landscaping details to be submitted shall include:

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

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area, to safeguard residential amenities, to preserve the significance of the heritage assets and to secure details of the new planting/boundary treatments, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2 and the National Planning Policy Framework (2024).

PRE OCCUPATION

- 12 Prior to the occupation of the development hereby approved, a lighting design scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans,

Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The lighting scheme should also avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and ULP Policy GEN7 and neighbouring amenity (GEN4 and GEN5)

- 13 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and in accordance with ULP Policy GEN3 and the NPPF.

- 14 Prior to the use occupation of the caravans/ mobile homes a noise/acoustic report documenting measures to show how the internal space of the static caravans will be protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented before occupation of the development.

The internal ambient noise levels shall not exceed the guideline values in BS8233:2014, Table 4.

07:00 to 23:00

Resting - Living room 35 dB LAeq,16hour

Dining - Dining room/area 40 dB LAeq,16hour

Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

Sleeping/Night-time Bedroom 30 dB LAeq,8hour.
Night-time individual noise events shall not exceed a level of 45dB LAFmax
more than 10 times (23:00 to 07:00 hours).

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2024).

- 15 Prior to the occupation of the development hereby approved a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that: Noise from the system will not present an adverse impact on occupants. The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions The alternative means of ventilation shall be maintained thereafter.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2024).

COMPLIANCE

- 16 All mobile homes permitted under this permission shall have entrance doors located in the façade facing away from the M11. Alternately, entrance doors shall be lobbied from direct access to bedrooms or living rooms.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2024).

- 17 All mobile homes permitted under this permission should meet or exceed the sound insulation and ventilation standards set down in BS3632:2015. Details of compliance with BS3632:2015 shall be submitted to the local planning authority for all existing mobile homes at the site.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2024).

- 18 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

Limiting the discharge from the site to 1.36×10^{-6} m/s.

Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution

And in accordance with ULP Policy GEN3 and the NPPF.

- 19 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk and in accordance with ULP Policy GEN 3 and the NPPF.

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

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 21 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 22 During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 23 No landscaping development to take place until details are submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Appendix 1- Highway Authority Consultation Response

Your Ref: UTT/24/1282/FUL
Our Ref: 52275
Date: 25th February 2025



Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No.	UTT/24/1282/FUL
Applicant	Messrs O'Connor, Connors, And Delaney
Site Location	Land To The North Of Birchanger Lane Birchanger
Proposal	Provision of additional six pitches for two static caravans per pitch and provision of covered communal amenity space.

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

1. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety
2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
3. Prior to commencement of the works, a scheme to be submitted to the Planning Authority for the delivery of a 2m wide footway along the site's frontage to include but not limited to pedestrian crossings at appropriate locations. For the avoidance of doubt, this shall include full depth construction and surfacing. The approved scheme shall be delivered prior to first occupation. **Reason:** In the interest of highway safety and accessibility

The above conditions are required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2024 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by

email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

Appendix 2- National Highway Consultation Comments



CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: UTT/24/1282/FUL

National Highways Ref: NH/24/06472

Location: Land to the North of Birchanger Lane, Birchanger.

Proposal: Provision of additional six pitches for two static caravans per pitch and provision of covered communal amenity space.

Referring to the consultation on a planning application dated 22 May 2024 referenced above, in the vicinity of the M11 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application. ¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.
Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of

State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningEE@nationalhighways.co.uk

Signature: S. H.	Date: 08 July 2024
Name: Shamsul HOQUE	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

Annex A **National Highway's assessment of the proposed development**

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

This response represents our formal recommendations with regards to the above application UTT/24/1282/FUL and has been prepared by Shamsul Hoque.

Recommended No Objection

National Highways offer no objection.

Reason:

In our recent holding recommendation dated 10 June 2024, I mentioned that National Highways like to understand the predicted generated trips and how much that may impact on the nearest SRN junction. Following our response, we have received highways information from the planning case officer and a Transport Statement from the agent which shows the predicted vehicular trips.

The Transport Statement (TS) shows the forecasted trips rates that have been presented are from 2018 (previous/similar application ref. UTT/22/3094/FUL). I have reviewed those submitted forecasted trips and verified with National Highway's Spatial Planning Framework Consultant, AECOM. Although the Transport Statement was

undertaken a few years back, however, a comparison between the Transport Statement (submitted by the agent) and National Highway's AECOM trip rates (in 2024) suggests that the submitted Transport Statement's trip rates are content that the trip rates used are acceptable.

I have completed our review of the details and information provided. Due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

Therefore, we are in a position to withdraw our existing holding recommendation and recommend no objection instead.

Appendix 3- Led Local Flood Authority

Essex County Council
Development and Flood Risk
Environment and Climate Action,
C426 County Hall
Chelmsford
Essex CM1 1QH



Chris Tyler
Uttlesford District Council
Planning Services

Date: 19th December 2024
Our Ref: SUDS-007536
Your Ref: UTT/24/1282/FUL

Dear Mr Tyler,

Consultation Response – UTT/24/1282/FUL - Land To The North Of Birchanger Lane Birchanger

Thank you for your email received on 13/12/2024 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 1.36×10^6 m/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning

authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
[Flood risk assessments: climate change allowances](#) - GOV.UK (www.gov.uk)

- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.
<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>
<https://www.thameswater.co.uk/developers>
- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Appendix 4- Stansted Airport Consultation Comments



STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002				
Planning Authority:		UDC		Application No: UTT/24/1282/FUL
Development Proposal:		Provision of additional six pitches for two static caravans per pitch and provision of covered communal amenity space.		
Location:		Land To The North Of Birchanger Lane Birchanger		
OS Co-ordinates (Eastings/Northings):		551245 / 221810		
Our Reference:		2024/133		
No Objection	Crane Advisory Permit Required	Need to engage with MAG Safeguarding	Request Conditions	Objection
	X		X	

Consultation Response:

Black – Conditions

Green – Informatives

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. We have no objection subject to the following conditions and informatives:

- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.
- No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.
Reason: Flight safety - to prevent distraction or confusion to pilots using Stansted Airport.
- During construction and in perpetuity, robust measures to be taken to prevent birds being attracted to the site. No pools or ponds of water should occur/be created without permission.
Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

- No landscaping development to take place until details are submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.
- Reason – Flight safety- Birdstrike avoidance. It is important to not introduce landscaping species that would increase the population of species of birds that are hazardous to aircraft.
- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Name	Position	Date
Diane Jackson	MAG Aerodrome Safeguarding Authority	Wednesday, 29 May 2024

Appeal Decision

Hearing held on 16 November 2023

Site visit made on 16 November 2023

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/C1570/W/23/3324961

Land to the north of Birchanger Lane, Birchanger, Bishops Stortford CM23 5QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs O'Connor, Connors, and Delaney against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3094/FUL, dated 11 November 2022, was refused by notice dated 12 June 2023.
 - The development proposed is described as the change of use of land for the stationing of caravan and mobile homes for residential purposes and ancillary works (comprising the formation of 6 no. pitches, each comprising of 2no. static caravans and 1no. touring caravan).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the stationing of caravan and mobile homes for residential purposes and ancillary works (comprising the formation of 6 no. pitches, each comprising of 2no. static caravans and 1no. touring caravan) on land to the north of Birchanger Lane, Bishops Stortford CM23 5QA in accordance with the terms of the application, Ref UTT/22/3094/FUL, dated 11 November 2022, subject to the attached schedule of conditions.

Applications for costs

2. The appellants have made an application for costs against Uttlesford District Council. This application is the subject of a separate decision.

Background and Main Issues

3. The appeal scheme has, in part, already been carried out and consent is sought retrospectively. I have determined the appeal on this basis. I have amended the description of development detailed on the appeal form, removing reference to S73a and retrospective application in the interests of clarity.
4. Planning permission¹ has previously been granted for the change of use of the site for the stationing of caravans and mobile homes for residential purposes and ancillary works. However, complications discharging conditions attached to that permission resulted in the submission of a new planning application and subsequently this appeal.

5. It is not at dispute between the parties that the occupiers come within the definition of gypsies and travellers as set out in Annex 1: Glossary to the Planning Policy for Traveller Sites 2015 (PPTS 2105). The PPTS 2015 was updated in December 2023 (PPTS). The changes relate to the definitions of Gypsies and Travellers and Travelling Showpeople in Annex 1 in so far that it now includes those who on specified grounds have ceased to travel temporarily or permanently. I have heard evidence from the Appellants and, having regard to the written statements from the occupiers and would be occupiers of each pitch, I am satisfied that the occupiers and would be occupiers of the plots come within the updated definition.
6. Furthermore, it is common ground between the parties that, in accordance with Policy E: Traveller sites in Green Belt of the PPTS, the appeal scheme is inappropriate development in the Green Belt and based on the evidence before me I agree.
7. The Council's Decision Notice refers to Policy S6 of the Uttlesford Local Plan, adopted 2005 (the LP). Policy S6 implements the Council's spatial strategy set out in the LP on where development will take place. However, Policy S6 only deals with development in four named villages which are surrounded by the Green Belt and four other sites within the Green Belt, where a limited amount of development will be permitted. The appeal site lies outside these areas and, as such, I find that Policy S6 is not relevant to the consideration of the appeal scheme.
8. The Council's second reason for refusal refers to excessive noise and air pollution levels. The submitted Statement of Common Ground (SoCG) confirms that the Council has withdrawn the air pollution element, this reason for refusal therefore only refers to noise.
9. Therefore, I consider that the main issues are:
 - I. The effect of the proposal on the openness of the Green Belt.
 - II. Whether or not the appeal site would provide appropriate living conditions for the occupiers with particular regards to noise.
 - III. Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

10. It was discussed at the hearing that the appeal site has previously been used as a temporary living area, potentially with vehicle parking, for the workforce building the nearby M11 Motorway some time ago. Nonetheless, it is shown on the submitted plans that prior to the current works on site being carried out, the site was vacant with no existing structures.
11. I saw at the site visit that as a result of the gentle slope of the land, other than when viewed from the south and adjacent to the entrance gateway, the appeal site is somewhat screened by hedgerows and existing trees. The earth bund shown on the submitted plans is of such a limited height and without any

supplementary planting it affords negligible screening or effect on the openness of the Green Belt.

12. The current arrangement of the mobile homes, touring caravans and other vehicles on site is somewhat disorderly and does not accord with the submitted plans. The proposed layout shows a simple layout of mobile homes, touring caravans and car parking for each of the 6 pitches. I am satisfied that suitably worded conditions could control the layout of the site, the details and implementation.
13. Nonetheless, on the basis of the evidence before me and my observations at the site visit, it is clear that there is harm to the openness of the Green Belt from the introduction of mobile homes, touring caravans, hardstanding, fencing, gates, vehicles and domestic paraphernalia.
14. The Uttlesford Green Belt covers only a very small area of the overall district. The Green Belt Review dated 24 March 2016 confirms that the Green Belt in this area meets purposes of Green Belt Policy, specifically: checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; and assisting in safeguarding the countryside from encroachment.
15. I therefore find that the appeal scheme would result in harm to the openness of Green Belt and Green Belt purposes. The level of harm is, as a result of the scale of the appeal site in the context of the wider Green Belt in the area, moderate. This is not disputed by the appellant. As such the appeal scheme is contrary to the provisions of the Framework, in particular paragraphs 152 and 154.

Noise

16. The appeal site is located under the flight path for the nearby Stanstead Airport and near to a busy road network. The PPTS requires "proper consideration of the effect of local environmental quality (such as noise) on the health and well-being of any travellers that may locate" on new sites.
17. The appellant submitted a Noise Impact Assessment² that found that "unmitigated, the development site is exposed to environmental noise of a sufficient magnitude to cause a medium risk of adverse impact." The WHO advise that noise impacts can affect health and wellbeing. Based on my observations on site I consider the assessment to be robust and this finding appears reasonable, and I have no alternative substantive evidence before me that would lead me to conclude otherwise.
18. The appellant proposes a number of forms of mitigation that could be controlled by planning conditions. These include, that all the mobile homes (static caravans) on site are compliant with BS3632:2015, essentially being of modern construction which affords greater noise insulation qualities; that windows be kept closed and an alternative form of cooling and ventilation be provided; and, acoustic screening be installed to the communal amenity area shown on the submitted plans to achieve the "lowest practicable noise level".

19. These measures would, on the basis of the evidence before me, generally be sufficient to reduce noise levels to acceptable levels. However, these are considerable interventions, in particular the need to replace the majority of the existing static caravans on site and the ongoing need to have the windows shut and supplemented by some form of mechanical ventilation to achieve the reduced internal noise levels required, the latter would have a detrimental impact on the living conditions of the occupiers of the site.
20. Furthermore, as discussed at the hearing, traditional acoustic screening will do little to mitigate overhead aircraft noise and it was not disputed by the appellant that there is likely to be further growth of air traffic at Stanstead Airport in the future.
21. To conclude this main issue, the appeal site is situated in a location that suffers a noise impact from road traffic and aircraft such that it would have a detrimental impact on the living conditions of the occupiers of the site. The proposed mitigation measures necessary to reduce the noise levels to acceptable levels are significant interventions that in themselves would have ongoing adverse impact on the living conditions of the occupiers.
22. I note that the Council and appellant have agreed the wording of the conditions that would secure the proposed mitigation. Nonetheless I am satisfied that the appeal site would provide poor living conditions for the current and future occupiers of the site with particular regards to noise, contrary to LP Policy ENV10 that seeks to prevent noise sensitive development if the occupants would experience significant noise disturbance the guidance set out in PPTS.

Other Considerations

23. With regards other considerations, Policy E Traveller sites in the Green Belt of the PPTS states that "subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances".

The need for sites for Gypsies and Travellers

24. The PPTS requires local planning authorities to make their own assessment of need for the purposes of planning, to set pitch targets for travellers which address the likely needs, and to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.
25. The most up-to-date assessment of current need is the Uttlesford District Council Gypsy, Traveller and Travelling Show People Accommodation Assessment (GTTSAA) carried out in 2017. The Assessment considered that the future need for travellers' pitches in the district (to 2033) was eight pitches, with none being required until 2021.
26. The Council confirmed that there have been no annual reports setting out the five-year supply position for gypsy and traveller sites and that they are unaware of any other sites being granted planning permissions since the earlier appeal decision in respect of the appeal site.
27. On this basis I am satisfied that there is an unmet need for Gypsy and Traveller sites. This is a material consideration and I afford it significant weight.

28. Paragraph 24 of the PPTS details that consideration should be given to the availability (or lack) of alternative accommodation for the Appellants.
29. At the hearing the Council confirmed that they have very limited information regarding any alternative sites for the Appellants. The Council confirmed that there are some publicly owned and run sites, but it was understood that there are waiting lists for these sites. It was not known how long the waiting lists are or if other criteria would hinder the Appellant's applications to move to these public sites.
30. The Appellants confirmed at the hearing that they had no alternative sites to go to if they were unable to continue to live on the appeal site. I note that one family that had to leave the appeal site is temporarily living on a shared pitch with a relative, contrary to the planning permission of that site.
31. Furthermore, the Council have not presented at the hearing any notable progress since the last appeal on this site with regards the new Local Plan, annual monitoring report or in the provision of other Gypsy Traveller sites.
32. I am therefore satisfied that, on the basis of the evidence before me, that there are no alternative sites and if the Appellants cannot continue to live on this site it would necessitate a return to a largely roadside existence. This is a material consideration to which I afford significant weight.

Personal circumstances

33. Four of the 6 pitches are currently occupied. The families previously occupying the two vacant pitches found it necessary to move due to their personal circumstances and have not found suitable alternative accommodation. As with all those who travel, a settled base would enable them to have regular access to medical care and education. The parties have submitted personal statements and other supporting evidence detailing their personal circumstances.
34. The occupiers of pitch 1 detail that they have had to temporarily cease to travel because of the medical, educational and support needs of their child with significant special educational needs (SEN), a second child is awaiting assessment. The appellant has submitted evidence that the children are attending local schools and benefiting from their attendance at the schools.
35. The occupiers of pitch 2 detail that they have no particular health problems. Nonetheless, the children have benefited from a settled base and their attendance at local schools.
36. The occupiers of pitch 3 have a child with SEN who has benefited from and needs access to healthcare and education. The statement also details that not having a settled base, thus requiring constant travelling, has harmed the education of their children.
37. The personal statement by the occupiers of pitch 4 details that one of the adults has a medical condition that requires access to GPs and pharmacy care and the parents are keen that their children are able to access education.
38. The prospective occupiers of pitch 5 state that one person has an on-going medical issue. The statement details the parties have searched for a suitable site over many years and that it has been difficult to find a suitable site that could accommodate the family group.

39. With regards to the prospective occupiers of pitch 6, an adult suffers a significant medical issue, and they would understandably benefit from a settled base and access to healthcare. Furthermore, the benefit of continuous education for their children is recognised.
40. The personal statements demonstrate that the group has a close and supporting relationship and despite their efforts over some time have not been able to secure a suitable site to accommodate them.
41. The best interests of the children are a primary consideration in my decision and there are some 18 living on this site. The children's best interests are to have a secure and settled home from which to access health and education services.
42. It is clear, on the basis of the evidence before me and the discussion at the hearing, that if this appeal were to be dismissed there would be an infringement of the occupiers human rights under Article 8 of the European Convention on Human Rights. This refers to the right to a family life and the home.

Other Matters

43. The appellant has submitted various appeal decisions, in particular where noise was at issue. These appeal decisions are material considerations which I have taken into account. Each case had its own individual set of circumstances, in particular regarding the source of noise and the particular situation of the appeal sites. I therefore give limited weight to these various appeal decisions.

Planning Balance

44. It is clear that a refusal of planning permission would interfere with the Article 8 rights of those living on the appeal site. Indeed, the Courts have held that Article 8 imposes a positive duty to facilitate the gypsy way of life, as defined by race and ethnicity rather than planning policy. Any interference in this regard must be balanced against the public interest in upholding planning policy to protect the environment generally.
45. Both the Framework and PPTS state that inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances. There is harm on this basis and also moderate harm caused due to the loss of openness. Substantial weight is to be afforded to this level of harm. In addition, some weight is added from my finding on living conditions.
46. Set against this harm, I consider the general need for pitches situation leans in favour of the appellant. I consider there is unmet need which merits significant weight.
47. Furthermore, I consider that the personal accommodation needs of all of the occupiers are considerable and I have not been advised of any potential alternative sites. The health needs of some of the occupiers, including children, are significant and in the absence of any obvious short or medium term alternative location, I conclude there is a strong possibility that they would have to resort to an unauthorised encampment or roadside living. This would likely be seriously detrimental to their health and this merits significant weight.

48. The PPTS states the best interests of the children are a primary consideration and, in this case, I conclude that in this instance merits substantial weight due to the number of children involved. In particular, a number have SEN and it is important to safeguard not only their welfare and well-being but also that of all the children.
49. My conclusions in respect of need and supply, the availability of alternative sites and the best interests of the children point to a grant of planning permission. I have considered whether this should be a temporary planning permission having regard to the harm to the Green Belt and the new Local Plan, and the progress in the provision of other Gypsy Traveller sites. However, it appears in the absence of any compelling evidence, that these matters are unlikely to be resolved in the short or even medium term. As such a temporary planning permission would not be proportionate as it would not balance the protection of the public interest against the families' human rights.
50. My overall conclusion on the planning balance is therefore in respect of a permanent planning permission. The harm to the Green Belt and the poor living conditions are clearly outweighed by other considerations. Having regard, in particular, to the best interests of the children, I find that there are very special circumstances which would justify the granting of planning permission on a permanent basis in this case.

Conditions

51. I have considered the need for conditions put forward by the parties in the light of the Planning Practice Guidance. In the interests of clarity I have included a condition detailing the approved plans. The permission should be personal to the named families on the site as their personal circumstances and the rights and best interests flowing from them are considerations of some weight in the planning balance. A condition limiting occupation to gypsies and travellers is also required as my decision relies on unmet need.
52. In the interests of the appearance of the site it is necessary to limit the number of caravans, control external lighting, prevent commercial activities on the land and the stationing/storage of vehicles over 3.5 tonnes and the further erection of any boundary treatment.
53. As the material change of use has already occurred, it will also be necessary to impose conditions requiring the submission of various additional details in the interests of the appearance of the site and the submission of details of noise mitigation works in the interests of protecting future and existing occupiers in a particular form because it is not possible to use a negatively worded condition.
54. The conditions are drafted in such a way as to require the appellant to comply with a strict timetable. I am very much aware that it was the failure to comply with a similar condition on the 2021 Appeal that resulted in a resubmission and subsequently this Appeal. Nonetheless the conditions and requirements are necessary and relevant, as is the need to ensure compliance within a timely manner.
55. As before, the condition provides for the loss of the effective benefit of the granted planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either

by the local planning authority or by the Secretary of State on appeal) and then implemented in accordance with an approved timetable.

56. I am aware that some details of the earlier site development scheme have been agreed between the parties. I have carefully reviewed the earlier condition and the submissions by the parties and as a result I have revised the condition to remove reference to the site layout, the layout of the pitches, hardstandings, access road, the siting of the caravans, design and layout of a play area, amenity areas, parking and manoeuvring areas because these details are shown on the submitted plans and are therefore included within that condition. However, other details in respect of materials to be used, surface and foul drainage, landscaping, refuse, external lighting and, in particular a timetable for their implementation have not been submitted in sufficient detail and therefore in the interests of clarity and certainty I have retained those parts of the condition as described above.
57. I have not included a condition relating to contaminated land because it is not necessary, I have no substantive evidence before me to suggest that the site is contaminated.

Conclusion

58. For the reasons given above I conclude that the appeal should be allowed.