



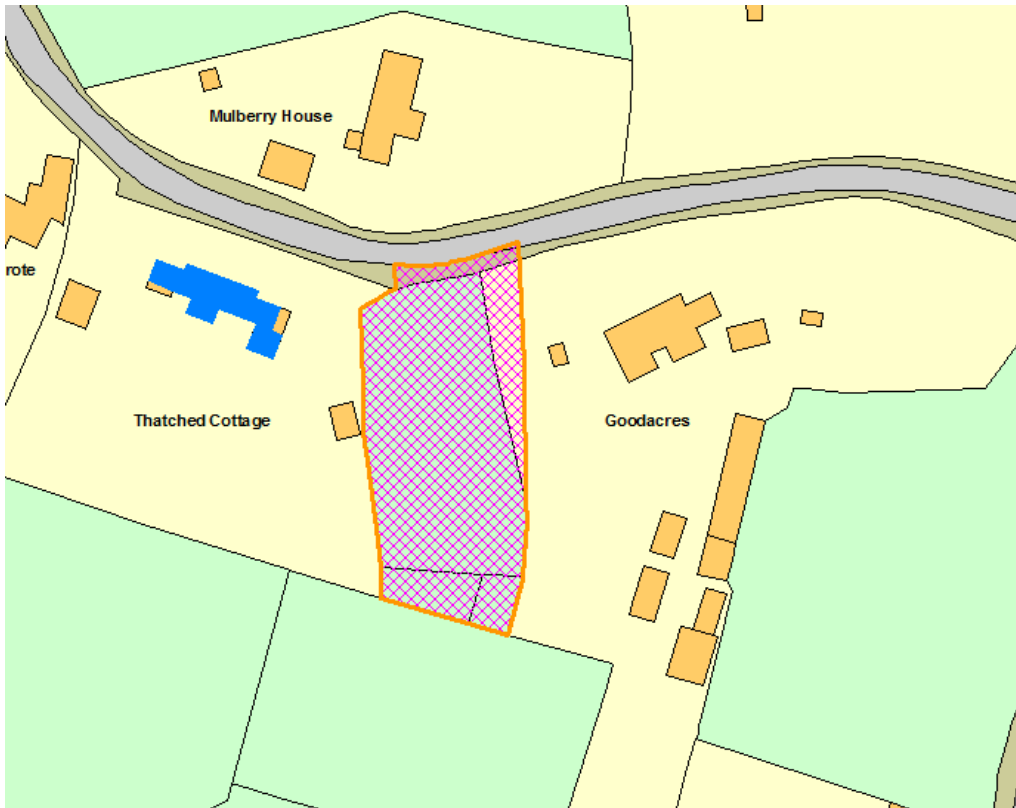
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 4 June 2025

REFERENCE NUMBER: UTT/25/0815/FUL

LOCATION: Land Adjacent Goodacres, Church End, Broxted, Essex

SITE LOCATION PLAN



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 16 May 2025

PROPOSAL: Erection of 1 no. dwellinghouse and garage with associated access parking and landscaping

APPLICANT: Stepton Limited

AGENT: Mr Rory Baker, Ceres Property

EXPIRY DATE: 12 June 2025

EOT EXPIRY DATE: N/A

CASE OFFICER: Genna Henry

NOTATION: Outside Development Limits
Within 2km of S.S.S.I
Within 6km of Airport (Stansted Airport)
Within 57dB 16hr LEQ (Stansted Airport)
Mineral Safeguarding Area - Sand/Gravel

REASON THIS APPLICATION IS ON THE AGENDA: Councillor Interest – Both Councillors Christian Criscione and Nick Church have an interest in the site.

1. EXECUTIVE SUMMARY

1.1 Full planning permission is sought by the applicant for the erection of 1no. dwellinghouse and associated cartlodge, access provisions and parking along with landscaping.

1.2 The site comprises of an irregular rectangle shaped plot approximately 0.174ha located outside the development limits of Broxted.

A previous planning application (UTT/24/0323/FUL) was presented to Members at the September 2024 Planning Committee meeting and was recommended for approval. Less than substantial harm had been identified to the setting of adjacent grade II listed building at Thatched Cottage, and Officers had taken the view that due to the limited adverse impacts of the proposal, these do not 'significantly or demonstrably' outweigh the benefits of the proposed development.

1.3 Notwithstanding the above, Members had resolved to refuse the application and were concerned the proposed development appearing out of character in the setting of the grade II listed cottage and with the cramped layout. On

this basis, Members had taken the view that the harms of the proposal had not been outweighed by the benefits. Thus, the application was refused with a single reason for refusal, that being, the harms to the setting of grade II listed building contrary to ULP (adopted 2005) Policies GEN2 and ENV2. That application is currently at appeal.

- 1.4** The current application has been submitted to directly address the concerns from Members by adjusting the width of the dwelling and increasing the width of the plot in order to overcome a cramped appearance. The amendments have been noted although Officers are of the view that the revisions made to the current application do not materially change the proposal to a significant degree that could alleviate the previous concerns raised by Members with the effect of removing the previous reason for refusal.
- 1.5** In light of the above, Officers are recommending this application for refusal for the same reason as stated in application ref. UTT/24/0323/FUL. Consequently, Officers advise Members to consider the approach taken by Officers with specific regard as to i) whether changes are sufficient enough to remove the previous reason for refusal and ii) the weighting afforded in planning balance and iii) the new 5 Year Housing Land Supply figures.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to REFUSE permission for the development as set out in section 17 of this report.
--

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site is located to the west of Broxsted Road, Church End, Broxsted and south of Church End Lane.
- 3.2** It comprises of an irregular rectangle shaped plot approximately 0.174ha and has been described as an undeveloped parcel of land by the application in their Planning Statement.
- 3.3** The application site is situated between the dwellings known as, Goodacres and Thatched Cottage, grade II listed. To the north of the site lies Mulberry House.
- 3.4** The site does not currently benefit from a direct vehicle access and therefore forms part of the proposal.
- 3.5** The immediate locality is generally characterised by a sporadic character of development, although, the plot along the eastern boundary of Goodacres has recently been granted outline permission for up to 7no. residential dwelling (ref. UTT/23/0493/OP).

3.6 The site is bound to the east, west and north by dwellings with more development that has been consented but not built out.

4. **PROPOSAL**

4.1 The proposal is for the erection of 1no. residential dwelling with a separate detached cartlodge along the western boundary.

4.2 The application is also for the associated, vehicle access works, parking and landscaping.

4.3 The list of plans under considerations are listed below;

- 4.4
- Location Plan, drawing no. 2025.791.01
 - Constraints Plan – Site B, drawing no. 2025.791.02
 - Proposed Site Plan – Site B, drawing no. 2025.791.023
 - House Plans, drawing no. 2025.791.04
 - House Elevations, drawing no. 2025.791.05
 - Store Plans & Elevations, drawing no. 2025.791.06
 - Street Scenes, drawing no. 2025.791.07
 - Means of Access Plan Parcel B

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/24/0323/FUL	Land Adjacent Goodacres, Church End	Refused (appeal in progress)
UTT/23/0493/OP (Land East of Goodacres – i.e. not the application site)	Outline planning application for the erection of up to 7 no. residential dwellings with all matters reserved except access	Approved
UTT/19/2874/OP	Outline planning application with all matters reserved for the erection of 2 no. semi-detached dwellings	Withdrawn

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

7.1 No pre-application advice sought.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 No comment received.

8.11 Manchester Airport Group

8.11.1 No objections subject to relevant conditions and informatives.

9. PARISH COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 Contamination: Unforeseen contamination conditions suggested.

10.1.2 Lighting: Lighting was suggested to be controlled due to the rural character of the site and immediate area. Conditions suggested

10.1.3 Noise: The Environmental Health Officer made specific comments to mitigate noise impacts and suggested conditions.

10.1.4 Details of foul drainage is outstanding.

10.1.5 Informatives were also suggested.

10.2 Place Services (Conservation and Heritage)

10.2.1 A low level of less than substantial harm to the significance of Thatched Cottage.

10.3 Place Services (Ecology)

10.3.1 Temporary holding objection.

10.3.2 However, in relation to bats and the tree due to be felled and Badger, the Preliminary Ecological Appraisal (James Blake Associates, December 2023) is considered out of date in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'.

We are therefore not satisfied that there is sufficient ecological information available for determination of this application in relation to bats and Badger and recommend that details of survey results, mitigation & enhancement measures provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

10.4 Place Services (Archaeology)

10.4.1 Conditions suggested, no objections.

10.5 Ward Councillor

10.5.1 No comments received.

11. REPRESENTATIONS

11.1 Site and press notice/s were displayed on site and 8 notifications letters were sent to nearby properties.

11.2 Support

11.2.1 Not applicable.

11.3 Object

11.3.1 Objections received are summarised below.

- Adding an additional dwelling will create a highway safety hazard
- The site is not a sustainable location
- Loss of rural charm/character and the increase in ribbon development
- Piecemeal development along narrow rural lanes will have an effect on the local capacity / community. This proposal sets a precedent for further inappropriate infill areas with no capacity for expansion

11.4 Comment

11.4.1 With regards to the comment relating to piecemeal development, each application will be assessed on its own merits.

11.4.2 In addition, a late site notice has been posted and is due to expire 03.06.2025. Committee will be update should the LPA receive any further comments.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2024)

13.2 Uttlesford District Local Plan 2005

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land

ENV10	Noise Sensitive Development
ENV14	Contaminated land
H1	Infilling with new houses
H10	Housing Mix

13.3 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

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

14.3 A) Principle of development

14.3.1 The application site is located outside development limits of any defined villages or towns within the district and thereby it is designated as being within the countryside whereby Policy S7 applies.

14.3.2 It is acknowledged that ULP (2005) Policy S7 is not fully consistent with eh NPPF (2024), in that protecting the countryside for its own sake is more restrictive than the Framework. Although, the LPA considers that aspects of Policy S7 are still relevant in the determination of applications outside development limits within the countryside.

14.3.3 Thus, where Policy S7 stipulates that ‘development will be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there is special reason why the development in the form proposed needs to be there’. The LPA deems this criteria still relevant for assessing applications outside development limits. Furthermore, the Planning Inspector states in recent appeal examples (e.g. ref. APP/C1570/W/20/3251991) that with regards to Policy S7 significant weight should be afforded to this policy when considering proposals in the countryside.

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

14.3.4 *Applying Policy ENV5*

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

14.3.5 Thus, in light of the above ULP (2005) policies referenced above and with regard to the NPPF (2024), the Development Plan and all other material considerations, the 'Planning Balance' will be undertaken further below, but before doing so a wider assessment of the proposal against all relevant considerations to determine if these impacts are adverse and whether these would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.3.6 Suitability and Location

14.3.7 Broxted is clearly outside development limits, however, the application site is physically located between two existing dwellings and the wider locality is characterised by residential properties, particularly to the west at Brick End and Cranham Road. Nonetheless, this portion of Broxted is generally characterised by limited amenities and services.

14.3.8 It is recognised that the proposed development would be located between three existing properties with other residential developments planned within the immediate locality. As such, the site cannot be reasonably considered as isolated. However, this does not mean that it will be sustainable in terms of access to shops, services, community facilities in which future occupants can rely upon.

14.3.9 For the 'proximity to services' the location is inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities is very limited, which means that for the majority of journeys the only practical option would be the use of cars. Although, it could be argued that the new dwelling could support local services in nearby villages, complying with paragraph 83 of the

NPPF (2024). It is acknowledged this contribution would be minimal, and as such, it would hold very limited weight in decision-making.

14.3.10 It is also worth noting that there are bus stops nearby that facilitate access to nearby amenities. Bus route numbers 316 and 318 provide are in close proximity to the site i.e. Cranham Road and Moor End Lane which are both within 200m of the application site. These routes both provide services between Stanstead Airport and Saffron Walden.

14.3.11 In summary, although not completely ideal due to the lack of facilities in Broxton, the proposed development would on balance be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would accord with ULP Policy GEN1(e) and paragraphs 109 and 115(a) of the NPPF (2024).

14.3.12 Countryside Impact

14.3.13 The NPPF (2024) states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the character of the countryside (para. 187(b)).

14.3.14 Landscape Character is defined as ‘A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.’¹ The landscape character is that which makes an area unique.

14.3.15 The proposed development seeks permission for 1no. residential unit which would be situated between two properties to the east and to the west of the site. Further east of Goodacres, the plot of land to the east has also been approved for up to 7no. dwellings. The specifics of design, heritage implications, will be discussed further below, however, the current proposal is for a single dwelling with cartlodge near to existing residential developments.

14.3.16 The neighbour comments regarding this application suggest that the development would appear out of character and harm the rural charm of the site. These comments are noted, although, with regards to the impacts to the countryside this proposal would not appear out of place in the rural context given its locality situated between 3 properties to the north, east and west.

14.3.17 Furthermore, the proposed dwelling is modest in scale and has been designed as a chalet style bungalow, comprising of 1.5 storeys with roof level accommodation. The proposed height is approximately 6 metres and the dwelling itself would be sited approximately 20-26 metres away from both properties at Thatched Cottage and Goodacres. Therefore, it is

¹ The Countryside Commission and Scottish Natural Heritage (2002) Landscape Character Assessment: Guidance for England and Scotland (CAX 84), the Countryside Commission and Scottish Natural Heritage, April 2002.

considered that the proposed dwelling would still contribute to a loose pattern of development within the countryside setting.

14.3.18 The proposed site plan indicates landscaping along the eastern and western boundaries, but limited details have been submitted within the current scheme. As such landscaping details could be secured through a suitably worded planning condition should the application be recommended for approval.

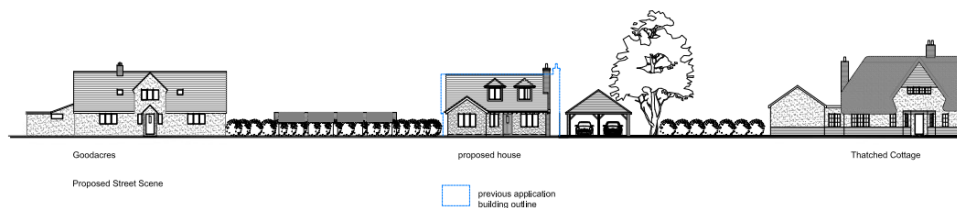
14.3.19 Overall, given the site location being situated between the two existing dwellings, the shape of the plot and the apparent distances between the two dwellings, the visual impact from the south (including the Public Right of Way) is not considered to be significant. Also, the site plans indicates that the proposed site boundaries would be post and rail fencing which are generally low level and limited in materials. Thus, it is held that the site boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of any built form within its immediate boundaries.

14.3.20 In views from the countryside towards the site, the proposed development would form part of the backdrop of the existing buildings resulting in only low to medium level of visual effect. The landscape and visual implications of this proposed development are still regarded to have a low level and modest nature for a development such as this.

14.3.21 Notwithstanding the potential harms to the setting of the adjacent listed building (to be discussed further below), the development would have limited visual influence on the surroundings and that the appearance of the dwelling in a semi-rural setting would not be notably altered or harmed. Furthermore, the new built form would be 1.5 storeys and would adjust the existing site boundaries slightly to accommodate the development. The proposal could also be screened by further landscaping to limit views from the outlying countryside locations. Thus, the development would not be prominent or discordant element and appear as an unobtrusive addition to the area set within the established boundary treatments and adjacent to existing properties.

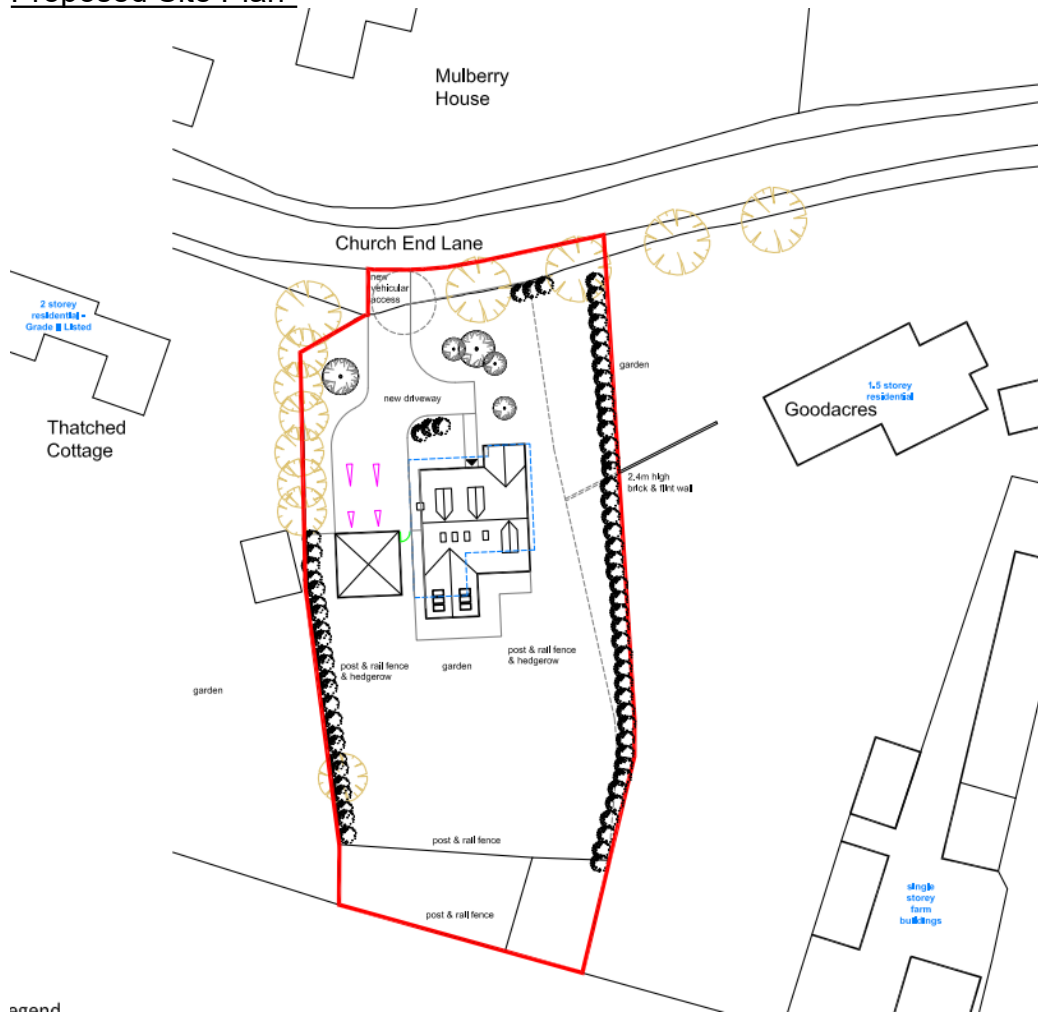
14.3.22 Amendments to current application have been made and the relevant plans are extracted below;

14.3.23 Street Elevation*



*blue line indicates the outline of the previous application UTT/24/0323/FUL

14.3.24 Proposed Site Plan*



*blue line indicates the outline of the previous application UTT/24/0323/FUL

14.3.25 With regards to the changes in design, the accompanying Planning Statement maintains the following with regards to the countryside impacts;

'From a design perspective, a reduced dwelling footprint would allow for a more generous spacing between the built form and the site boundaries, ensuring that development remains visually balanced and proportionate within the plot...Members raised concerns that the development could appear tight within the plot and over-fill the site. By increasing the plot width and reducing the scale of the dwelling, these concerns would be alleviated, ensuring a more spacious and well-integrated form of development'. (para 5.25, Officer emphasis)

14.3.26 It was further suggested that;

'Crucially, the proposed amendments would positively contribute to the overall planning balance by further minimising any perceived harm while reinforcing the site's role as a logical infill opportunity... By redefining the scheme to achieve a more proportionate and well-spaced relationship between built form and open space, the amendments would further diminish

any residual impacts on the countryside, ultimately strengthening the case for approval.

- 14.3.27** Despite attempts to improve the setting to the countryside, this has not altered the Council's view as this was not a refusal reason in the previous application rather it was the harms to the heritage harms to the grade II listed cottage.
- 14.3.28** In relation to the harms to the countryside, the applicant concludes that due to revisions made in the current scheme Officers ought to attribute more positive weighting in the planning balance and goes further to contend that the 'modifications further reinforce the suitability and sustainability of the development'.
- 14.3.29** Conversely, as alluded to above, Officers nor Members had not recommended refusal on the grounds of harm to the rural/countryside character and, for these reasons, Officers will not be affording any additional positive weighting to the changes made. Moreover, Officers do not consider that the changes made to the plans are significant enough to make any contribution to the countryside location, the site's sustainability or suitability of the application.
- 14.3.30** In light of the above, it is considered the proposal complies with ULP Policies S7 and H3, where applicable, paragraph 135 of the NPPF (202).

14.4 B) Design, Character and Heritage Implications

14.4.1 Heritage Implications

- 14.4.2** The applicant has noted within their Planning Statement that the previous application² was originally recommended for approval but later overturned at Planning Committee³ and considers that the application ought to be recommended for approval based on Officers recommendation. The applicants' position is appreciated, however, Members had reviewed the application and discussed the merits of the application and subsequently refused the application on heritage grounds and contrary to ULP (2005) Policies ENV2 and GEN2.
- 14.4.3** The previous application (ref UTT/0323/FUL) was refused for the following reason;
- 14.4.4** *'The proposed development would, by reason of the massing and scale, would appear cramped within the plot and out of character in the immediate locality. As such, the dwelling would appear over-dominant within the street scene to the detriment of visual amenity and harms to the setting of Thatched Cottage, a grade II listed building.'*

² LPA ref: UTT/24/0323/FUL

³ September 18 2024

The benefits of the proposal do not outweigh harms and, therefore, fails to comply with Uttlesford Local Plan (2005) Policies ENV2 and GEN2 and para. 208 of the National Planning Policy Framework (2023).'

14.4.5 To the west of the application site lies Thatched Cottage, a grade II listed building. ECC Place Services (Heritage Officer) has been consulted with regards to the current application and has concluded with the following;

14.4.6 *'The proposed development will be in proximity to the asset, appear in views towards and including the asset, introduce new vehicular access from the lane, increased levels of movement and activity, and represent a change in land use and land cover with hard landscaping, associated lighting effects, light spill and domestic paraphernalia, all with permanent effect.'*

The current application is for a slightly smaller one and a half storey dwelling to that proposed under refused application UTT/24/0323/FUL. I was unable to support the previous application as set out in a consultation response letter dated 19 July 2024.

In my opinion, the effects of developing this site which would further erode the historically open green space to the east of the listed building and would represent a very low level of less than substantial harm to the significance of listed Thatched Cottage in terms of the National Planning Policy Framework (NPPF, December 2023).'

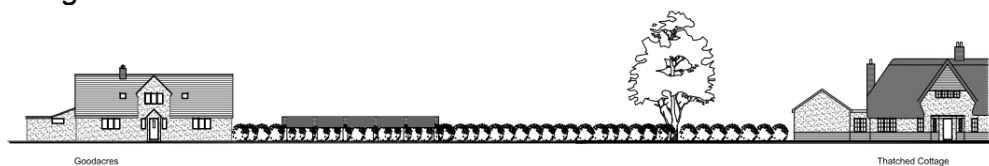
14.4.7 The comments from Place Services are consistent with the previous comments and even with the proposed amendments within the current application. For context, the frontage of the site from Church Lane has increased from approximately 15.4m in the previous application to 22m in the current application. Also, to compare the changes in the width of the dwelling under ref. UTT/24/0323/FUL this was approximately 11.4m which has now been reduced to 10m in the current application.

14.4.8 In support of the application, the applicant maintains that the 'Heritage Statement supplied as part of this application clearly establishes that Thatched Cottage derives significance from its architectural form, historic fabric, and rural context rather than any direct historic association with the application site' (para. 5.32). This stance conflicts with the stance of the Place Services which states that discusses the open grain of the surrounding landscape.

14.4.9 It is appreciated that changes have been made to the current proposal as a means to address Members previous concerns. However, Officers do not consider, by reason of reducing width of the dwelling by 1.4m and increasing the width of the plot by approximately 7m along Church Lane would materially limit the heritage harms previously identified. Although it is noted that the width of the plot has increased within the middle section of the site by about 5m or so, but again, Officers do not consider this a significant change.

14.4.10 As a result of the proposed changes, at para. 5.32 of their Planning Statement, the applicant contends that the revised proposals further respects and preserves the heritage setting by ensuring the proposal remains subordinate in scale and visually recessive in key views. The applicant further seeks to demonstrate this point by suggesting a list of how the refinements enhance the setting and ultimately conclude that the revised proposals ensure that the spatial distinction between the listed building and the new dwelling is maintained. Although, to reiterate, Officers do not consider that the marginal changes proposed would make a material change to the impact to the setting of the listed building. The street elevations from the existing street scene, the previous application, the current application are all compared below;

14.4.11 *Existing street elevation*



14.4.12 *Street Elevation in refused application (ref. UTT/24/0323/FUL)*



14.4.13 *Street elevation in current application (ref. UTT/25/0815/FUL)*



14.4.14 The applicants' view is that the revised scheme reduces the 'perceived' impact to the listed building at Thatched Cottage while maintaining the same level of public benefits maintained in the previous application.

14.4.15 Where it has been identified that less than substantial harm would result from a proposal, the Local Planning Authority has a duty to weigh this harm against the public benefits of the proposal (as per para. 215 of the NPPF 2024). The proposed development proposes a single dwelling, albeit minimal, makes a minimal contribution to the Council's 5 Year Housing Land Supply (5YHLS). Other public benefits result from the local economic benefits from the construction, in terms of labour and purchasing construction supplies. Also, it has already been stated that the additional residential accommodation would also support local amenities and services in nearby settlements.

- 14.4.16** The applicant highlights that the Council's 5 Year Housing Land Supply has reduced since the consideration of the last application which is acknowledged by Officers. As it currently stands the figures are 3.46 years with the Housing Delivery Test figure currently at 69%. In addition, it is the view of the applicant that due to the revisions made these have effectively reduced the impact of the setting of listed building with the similar benefits to the previous scheme.
- 14.4.17** Officers accept that the Council's 5YHLS has effectively reduced since last refusal at the site, however, the Heritage Officer still attributes a low level of less than substantial harm to the proposal and did not support the view that the amendments to the scheme had afforded a different level of harm. Therefore, as discussed, Officers do not share the view that the proposed amendments amount to a material change in the scheme. A single dwelling is considered to make a minimal contribution to the Council's 5YHLS and, therefore, the harms identified are not outweighed by the benefits. Although Officers would invite Members to consider the merits of the public benefits in the planning balance and the associated weight afforded, also whether the weight afforded to the new 5YHLS figures and whether the revised changes have a material impact to the setting of the listed building.
- 14.4.18** Design
- 14.4.19** In terms of design policy, good design is central to the objectives of both National and Local Planning Policies. The NPPF (2024) requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at para. 131 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan. In addition at para. 135 it also states that planning decisions should ensure developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'.
- 14.4.20** The proposed dwelling would be situated towards the northern boundary, would be 1.5 storeys and stand at approximately 6 metres in height. The overall design is akin to the property at Goodacres, in that it is 1.5 storeys in height and would be rendered and finished in white. Timber white windows with black rainwater goods and red roof tiles are also proposed. The windows proposed have changed in the current application as the window detailing has been removed in the current application, although this detailing would better suit the locality. More modern window glazing is proposed which is not considered characterised of the rural setting. Notwithstanding this, Officers consider that a refusal on these grounds might not be substantiated. If Members were minded to approved, a condition could be added to reconsider the window designs.

14.4.21 An open fronted cartlodge is also proposed although the materials are not clear. The plans indicate the structure would appear as a pitched roof and with potentially weatherboarding materials.

14.4.22 Overall, the design of the dwelling is considered appropriate and sensitive to its location, in terms of scale and materials palette. Given the heritage sensitivities of the site, a condition securing the details of the materials would be appropriate if Members are minded to approve the application.

14.4.23 Layout

14.4.24 In terms of layout, the proposed dwelling would be setback from the road to the north by approximately 18 metres and would share a similar building line with the adjacent property at Goodacres. Although, the proposed siting of the dwelling would be sited further back within the plot than the adjacent properties and so the proposal would not sit prominently within the immediate locality. The separation distances between Goodacres and Thatched Cottage would be approximately 26m and 24m respectively.

14.4.25 For these reasons, it is considered the proposed layout will preserve and enhance the existing boundaries within limited impacts to the countryside setting. Furthermore, the design of the dwelling along with suggested materials are appropriate in this location.

14.4.26 Therefore, the proposal is considered to comply with Uttlesford Local Plan Policies GEN2, ENV2 and the NPPF (2024).

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

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

14.5.2 *Ecology*

14.5.3 Place Services (Ecology) have been consulted on the application and has raised objections to the application due to insufficient information relation to bats and badger details resulting from the tree to be felled. The submitted Preliminary Ecological Appraisal (James Blake Associates, December 2023) is considered out of date and, therefore, Place Services (Ecology) are not satisfied sufficient ecological information is available to determine the application. It has been recommended that details of surveys, mitigation & enhancement measurements are submitted prior to determination.

14.5.4 *Biodiversity Net Gain (BNG)*

14.5.5 Place Services have reviewed the details submitted and have concluded that they are not satisfied that appropriate information has been provided prior to determination. These details being; the Condition Assessment sheets of baseline habitats are lacking and the total area of the baseline habitats within the Metric does not equal the same site area given in the application form.

14.5.6 *Landscaping*

14.5.7 The UDC Landscaping Officer has not been consulted the current application, although there are limited details in terms of landscaping provided. Although, it is considered that a hard and soft landscaping plan could be added in the event the application is recommended for approval.

14.5.8 In light of the above, the LPA do not have sufficient ecology or biodiversity to adequately assess the proposal. As a result, Officers have not been able to appropriately consider the potential impacts to protected species/habitats nor is there sufficient information to assess whether sufficient levels of biodiversity net gain could be achieved at the site. Thus, the proposal fails to accord with ULP Policy GEN7 and the NPPF (2024).

14.6 D) Residential and Neighbouring Amenity

14.6.1 At para. 135(f) of the NPPF (2024) requires a good standard of amenity for existing and future occupiers of land and buildings. ULP Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.6.2 In terms of overlooking and loss of privacy, given the separation distances of the adjacent properties, it is not considered the adjacent sites would suffer adverse harms to neighbouring amenity. No flank windows are proposed at first floor level.

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

14.7 E) Vehicle Access, Parking and Highway Safety

14.7.1 ECC Highways has been consulted and recommended a number of conditions relating to site access and parking provisions. Also it is considered the development meets the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.7.2 Comments have been received regarding highway and pedestrian safety, although, no comments have been received by the Highway Authority. There were also no objections in the previous application at the site either.

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

14.8 F) Flood Risk and Surface Water Drainage

14.8.1 The NPPF (2024) states that inappropriate development in areas of high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

14.8.2 A check of the Environment Agency's website and the Council's policy maps has identified the site as being located in Flood Risk Zone 1. The Framework indicates that all development are appropriate in this zone and hence there is no requirement for sequential or exception testing. It is not expected that the proposals would lead to significant harm to increase flood risk of both the application site and the surrounding area and thereby complies with Policy GEN3 of the adopted Local Plan.

14.9 G) Environmental Health and Contamination

14.9.1 The Environmental Health Officer has commented on the application and with regards to land contamination, conditions were suggested although these were different from the previous scheme. Officers are of the view it would be prudent to add contamination conditions should the application be recommended for approval.

14.9.2 Similarly with regards to noise implications, the Environmental Health Officer has taken a different stance in the current application. The submitted Noise Assessment has been reviewed, along with suggested conditions, however, the Environmental Health Officer concludes;

14.9.3 *'It is important to highlight aircraft noise cannot be mitigated so those external amenity noise levels will remain high. There may be local requirements and demand for housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective.'*

14.9.4 Officers are aware that stance is different from the previous application and did not feature as a reason for refusal, nor within the Planning Balance. At the time of writing, Officers are not seeking add a further reason for refusal nor add within the planning balance, however, Officers will provide an update by the next Planning Committee meeting.

14.9.5 Additional comments relating to external lighting were also suggested, but this was remedied by a suggested condition. The Environmental Health Officer made comments on foul drainage, but this is not considered a material consideration at this stage of the application.

14.10 H) Other Matters

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

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

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

Planning Balance

16.1 The planning balance is an intrinsic aspect of the determination of planning applications, in accordance with paragraph 11 of the NPPF (2024) which triggers the presumption favour of sustainable development.

16.2 Evidently ULP (2005) Policy is not entirely up to date which triggers para. 11(d)(ii) of the Framework and, therefore, the LPA are required to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In addition, the presumption would also engage footnote 8 i.e. the application of the Housing Delivery Test. As outlined above, the Council's 5 Year Housing Land Supply is currently 3.46 years, while the Housing Delivery Test (HDT) stands at 69%. The recent revisions to the NPPF (2024) has amended the wording of footnote 8 (in relation to HDT) which states where the Housing Delivery Test is substantially below (less than 75% of) the housing requirement over the previous three years, this ought to also be considered.

16.3 In light of the above, the Planning Balance of paragraph 11(d)(ii) of the NPPF (2023) tilts against development, as the benefits include:

16.4 *Benefits of the development*

- Minimal contribution to the Council's 5 Year Housing Land Supply and revised figures (significant weight)
- The development would also provide a small social, economic benefits in terms of the construction of the dwellings and investment in the local economy; (very limited weight)
- Revisions of the current proposal i.e. reduced width of the proposed dwelling and increased plot size, further reinforce the suitability and sustainability of the development (no weight)

16.5 *Adverse impacts of the development*

- Less than substantial harm to the setting of the adjacent dwelling at Thatched Cottage (great weight)
- The proposal would result in a low impact on the character and appearance of the area and the openness of the countryside (limited weight)
- Lack of ecology and biodiversity details to assess the application (great weight).

16.6 In terms of the assessment of the above application, Members' views and the subsequent decision issued in the determination of the previous application⁴ are material considerations. The previous application has been appealed, with an associated costs application and, therefore, Officers invite Members to consider i) whether changes are sufficient enough to remove the previous reason for refusal; ii) the weighting afforded in planning balance and iii) whether the new 5 Year Housing Land Supply figures are ought to be favoured more positively.

16.7 Notwithstanding the above, Officers are of the view that adverse impacts of the proposal are not 'significantly or demonstrably' outweighed by the

⁴ UTT/24/0323/FUL

benefits. For these reasons, and in accordance with para. 11(d) of the NPPF (2024), the application is hereby recommended for refusal.

17. CONDITIONS

17.1 Reasons for refusal

- 1** The proposed development would, by reason of the massing and scale, would appear cramped within the plot and out of character in the immediate locality. As such, the dwelling would appear over-dominant within the street scene to the detriment of visual amenity and harms to the setting of Thatched Cottage, a grade II listed building.

The benefits of the proposal do not outweigh harms and, therefore, fails to comply with Uttlesford Local Plan (2005) Policies ENV2 and GEN2 and para. 215 of the National Planning Policy Framework (2024).

- 2** Insufficient ecological information has been submitted with this application. The Local Planning Authority are therefore unable to adequately assess the impacts to bats/badgers and recommend that additional survey and any necessary mitigation/enhancement measures are provided. In addition, insufficient details have also been submitted in relation to biodiversity net gain and, as a result, the Local Planning Authority are unable to assess whether mandatory biodiversity net gain could be achieved at the site. In the absence of sufficient ecological and biodiversity net gain information the proposal fails to accord with Policy GEN7 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2024).

Annex 1 – Consultees

Place Services (Conservation)



FAO: Planning Department,
Uttlesford District Council

Our ref: 03878
Application ref: UTT/25/0815/FUL
Date: 13 May 2025

HISTORIC BUILDINGS AND CONSERVATION ADVICE

RE: Land Adjacent Goodacres Church End Broxted, Essex CM6 2BX

The application is for The erection of a single dwellinghouse and cartlodge with associated access, parking and landscaping.

The proposed development site is an area of previously undeveloped land located to the east of Grade II listed Thatched Cottage, a timber framed, plastered and thatched cottage of one storey plus attics which has been dated to the sixteenth century (List entry number 1112227). The Tithe Map of 1839 shows the development site as an area of pastureland in the same ownership (but different occupation) as Thatched Cottage.

The significance of the listed building derives primarily from its age, architectural and evidential interest as a rural vernacular dwelling of traditional construction and materials. Historically a relatively isolated rural dwelling (shown in use as a pair of cottages on the Ordnance Survey map published in 1897), the open, green agrarian landscape setting of the listed building and its prominence in the street scene also contribute to its significance in enabling its historic function and architectural interest to be understood and appreciated. Large detached dwellings (Mulberry House, Goodacres and Crabscrete) were constructed to the north, east and west of Thatched Cottage in the twentieth century and this has eroded the historic agrarian landscape setting of the listed building. The development site currently maintains an area of green, open landscape to the east of the listed building.

Based on the staged approach to assessing the contribution setting makes to the significance of heritage assets set out by Historic England in The Setting of Heritage Assets (2017), the following attributes of setting are considered to contribute to the significance of the listed building in terms of its physical surroundings and how the asset is experienced: definition and open grain of the surrounding landscape and spaces, the dwelling's verdant garden, green space and vegetation, openness, the surrounding landscape character, views from, towards and including the asset, visual prominence, and tranquillity.

The proposed development will be in proximity to the asset, appear in views towards and including the asset, introduce new vehicular access from the lane, increased levels of movement and activity, and represent a change in land use and land cover with hard landscaping, associated lighting effects, light spill and domestic paraphernalia, all with permanent effect.

The current application is for a slightly smaller one and a half storey dwelling to that proposed under refused application UTT/24/0323/FUL. I was unable to support the previous application as set out in a consultation response letter dated 19 July 2024.

In my opinion, the effects of developing this site which would further erode the historically open green space to the east of the listed building and would represent a very low level of less than substantial harm to the significance of listed Thatched Cottage in terms of the National Planning Policy Framework (NPPF, December 2023). The local planning authority should also have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Please do not hesitate to contact me if you have any queries in relation to this advice.

Yours sincerely

Place Services (Ecology)

Place Services
Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH
T: 0333 013 6840
www.placeservices.co.uk



Date: 13 May 2025

Our ref: 03831

Genna Henry
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

By email only: Planning Department, planning@uttlesford.gov.uk

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

Application: UTT/25/0815/FUL
Location: Land Adjacent Goodacres Church End Broxted
Proposal: The erection of a single dwellinghouse with associated access, parking and landscaping

Thank you for consulting Place Services on the above application.

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input type="checkbox"/>
Further information required/Temporary holding objection	<input checked="" type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	<input type="checkbox"/>

Summary

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

We note that the Preliminary Ecological Appraisal (James Blake Associates, December 2023) submitted with this application was originally submitted under a previous application at the site (UTT/24/0323/FUL). The Preliminary Ecological Appraisal (James Blake Associates, December 2023) was 15 months old at the time of submission of the planning application. As the Biodiversity Net Gain Calculation statement (James Blake Associates, April 2025) has confirmed the habitats onsite are similar to what was previously found, we have accepted that the assessment of the majority of protected and Priority species is likely to be similar to what was found in 2023. However, in relation to bats and the tree due to be felled and Badger, the Preliminary Ecological Appraisal (James Blake Associates, December 2023) is considered out of date in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'.

We are therefore not satisfied that there is sufficient ecological information available for determination of this application in relation to bats and Badger and recommend that details of survey results, mitigation & enhancement measures provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

European Protected Species – bats:

The tree due to be removed to facilitate the access point into the site has not been assessed for its potential to support roosting bats since December 2023. This is considered out of date, in line with CIEEM's Advice Note on the Lifespan of Ecological Reports and Surveys (2019). It is recommended that this assessment is updated in line with best practice guidance (Collins, 2023) to ensure no potential roosting features for bats are impacted by the proposed development. The results of any further surveys necessary, such as emergence surveys, as well as an outline of any necessary mitigation measures will be required prior to determination.

In addition, since the previous application at the site the red line boundary has changed and now includes a building which is due to be demolished. No details of the building or a Preliminary Roost Assessment (PRA) of this building for bats has been submitted with the current application form and so it is unknown if this building has potential to support roosting bats. It is recommended that a PRA of the building to be demolished is undertaken in line with best practice guidance (Collins, 2023). The results of any further surveys necessary, such as emergence surveys, as well as an outline of any necessary mitigation measures will be required prior to determination.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should "*Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby*".

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "*It is essential that the presence or otherwise of*

¹ CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

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

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

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

Mandatory Biodiversity Net Gains:

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

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

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

As a result, we have reviewed Biodiversity Net Gain Calculation statement (James Blake Associates, April 2025) and Statutory Biodiversity Metric (James Blake Associates, April

2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- Condition Assessment sheets of baseline habitats have not been provided.
- The total area of baseline habitats within the Metric does not equal the same as the site area given in the Application Form (R. Baker, March 2025).

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

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

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Other Neutral Grassland.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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

Please do not hesitate to contact us if you have any queries in relation to this advice.

24th April 2025

Genna Henry
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

By email only.

Dear Genna,

Planning Application ref: UTT/25/0815/FUL

Proposal: The erection of a single dwellinghouse with associated access, parking and landscaping.

Location: Land Adjacent Goodacres Church End Broxted Essex

The application site lies within the current 63dB LAeq contour for day noise and 57dB LAeq contour for night noise from Stansted Airport. As such, noise should be taken into account as a material consideration in determining the application.

The National Planning Policy Framework (NPPF) (2024) details in paragraph 187 that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy ENV10 of the adopted Uttlesford Local Plan (Noise Sensitive Development and Disturbance from Aircraft) states housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. Policy GEN2 states that development will not be permitted unless *"it provides an environment which meets the reasonable needs of all potential users"*. Further to this, emerging plan policy Core Policy 44 (Noise Sensitive Development) reiterates that development will not be permitted if the future occupants and/or occupiers of surrounding land are exposed to unacceptable adverse levels of noise and/or vibration.

The Aviation Policy Framework (APF) states:

3.12 The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.

3.13 This is consistent with the Government's Noise Policy, as set out in the Noise Policy Statement for England (NPSE) which aims to avoid significant adverse impacts on health and quality of life.

In respect of the NPSE, the second aim is relevant to this application as the site in question is above the LOAEL (51dB LAeq) for aircraft noise. Accordingly, the Local Planning Authority must 'mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development'.

It is Stansted Airport's opinion that the Local Authority should ensure that the relevant policies are complied with and that the internal and external living environment have been suitably considered against all planning policies and suitable mitigation is taken into account. Where appropriate, conditions should be imposed to ensure an adequate level of protection against noise. Given the existing noise environment and the need for mitigation, if the application is approved, Stansted Airport consider that any dwellings developed at this site would be ineligible for the current or future Stansted Airport Sound Insulation Grant Scheme.

Sincerely,

Part 2

Our ref: STN 2025-081

23 April 2025

Development Control
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Appn. No.: UTT/25/0815/FUL
Proposal: The erection of a single dwellinghouse with associated access, parking and landscaping.
Location: Land Adjacent Goodacres Church End Broxton

Dear UDC,

Thank you for consulting with the aerodrome safeguarding authority for Stansted Airport on the above proposed development dated 22nd April 2025. We have no objection subject to the following conditions and informatives:

- **Condition:** 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.
- **Informative:** No lighting directly beneath the 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.
- **Condition:** During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft 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.
- **Informative:** 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/>

Continued...

- Informative: In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.
Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

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.

Sincerely,

MAG Group Aerodrome Safeguarding Team
[Stansted Airport](#) | [East Midlands Airport](#) | [Manchester Airport](#)
[Aerodrome Safeguarding | Manchester Airport](#)
www.magairports.com

