

**JOINT PLANNING, DESIGN & ACCESS
STATEMENT(INCLUDING TRANSPORT STATEMENT)
IN SUPPORT OF A DETAILED APPLICATION FOR
THE REPLACEMENT OF OUTBUILDINGS WITH
A NEW DWELLING ON YARD AT REAR OF
LITTLE HUDSON LODGE, FIELDGATE LANE,
UGLEY GREEN, ESSEX, CM22 6HJ**

Rev B

April 2021

1 INTRODUCTION

- 1.1 The previous detailed application to replace these outbuildings with a new dwelling was refused permission on 25 February 2021 (UTT/20/2857). The reason for the refusal was due to the additional level of built form and protrusion into the open countryside.
- 1.2 The original Statement of Support for application UTT/20/2857 is in the majority still applicable, along with the Consultee Responses with regards to ECC Ecology Advice; Fishers German Chartered Surveyors; Environmental Health; BAA Aerodrome Safeguarding; Education & Highways; and UK Power Networks.
- A) In February 2019 the Government issued its revised National Planning Policy Framework (NPPF) which emphasised the need for LPAs to apply flexibility when considering applications for dwellings in sustainable locations close to settlements.
- B) With the application previously approved (UTT/20/0760) this decision establishes the principle of a dwelling on this land.
- C) In October 2019 the LPA's latest statistics regarding its 5-year housing supply continue to show an increasing deficit. This currently stands at only 2.68 years and emphasises the need to apportion increased weight to the release of land in sustainable locations such as this one.
- D) In a letter to the Council dated 10 January 2020 the Inspectors charged with considering the Emerging Review Local Plan (ERLP) advised the Council to withdraw it and to allow more housing on smaller sites such as this one.

2 FORMAT OF THIS STATEMENT

- 2.01 This Supporting Statement (PD&AS) supports the proposal for an additional single dwelling on this site:
- a) Meets the objectives of sustainability.
- b) Be one where the benefits to be gained would outweigh the restrictive and out-of-date Uttlesford Local Plan (ULP) Policy S7.
- c) Be compatible with the emerging Review Local Plan (RLP).
- d) Not cause any significant harm to the character of the area, highway safety, biodiversity or neighbours' amenities, or to any other interests of acknowledged importance.
- e) Help to meet the LPA's housing needs at a time when they still cannot show a demonstrable 5-year supply.
- f) Be in line with recent decisions on similar cases by the LPA and Inspectors on appeal.

- 2.02 In view of these relevant material considerations, the planning balance in this case now lies in favour of the proposal.

3 APPRAISAL AND ASSESSMENT OF THE CONTEXT

Location

- 3.01 Ugley Green is a sustainably located village approximately 2km (1.5 miles) north of Stansted Mountfitchet and 0.4km (0.25 miles) west of Elsenham. It is situated between the B1383 and the M11, some 5km (3 miles) north of Bishop's Stortford and a similar distance north-west of Stansted Airport.

Village Setting

- 3.02 Ugley Green comprises scattered groups of dwellings, farms and commercial buildings sited along the minor road which links the B1383 to the west to the village of Elsenham to the east. The largest group comprises about 20 dwellings and lies at the junction of this road with Fieldgate Lane, a cul-de-sac which leads north to Fieldgate Farm. There is a mix of residential, agricultural and commercial units on both sides of the road and the lane. The setting, appearance and character of this part of the village is mainly domestic in nature.
- 3.03 Bulls Manor (previously Little Hudson Farm) is sited on the eastern side of the lane and comprises a substantial two-storey house on the northern side of the driveway. Further east is a separate 1.5-storey dwelling called Little Hudson Lodge. Access to the application site passes in front of these properties via two points from the lane and there is a flat-roofed double garage on the south-eastern side.

Application Site

- 3.04 The site is located within this hamlet and comprises a former farm yard located beyond and to the east of Little Hudson Lodge. The site lies immediately north of Hudsons Farm and is well screened from the countryside on all sides and is behind a gated entry. The site forms an integral part of this group of dwellings and outbuildings and does not intrude into the open countryside.
- 3.05 The site measures 35m x 17m (595sqm or 0.06ha) and comprises a redundant farmyard with stables, cow shed and workshop.

Planning History

- 3.06 The previous application to replace these outbuildings by a new dwelling was refused on 25 February 2021.

Revised Proposal

3.07 This is a detailed application to replace the remainder of the former agricultural buildings with a 2 bedroom single level dwelling. It would be sited on the existing footprint in the centre of the plot. The dwelling would have a footprint of approximately 16m x 5m, totalling 80 sqm. This building sits on the footprint of the existing stable block.

Local facilities and services

3.08 Elsenham and its surrounding area has a wide range of services and facilities, for example:

- Golds Industrial Estate situated at the northern end of the village between Ugley Green and the railway station (which is allocated for employment uses in the Uttlesford Local Plan (ULP) Adopted in 2005). There are several units providing jobs and others are available to let providing self-employment opportunities.
- Parade of shops in Elsenham village centre 30 minutes' walk away.
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- Henham and Ugley Primary School is *undersubscribed*, 40 minutes' walk away.
- Alsa Business Park to the west
- Alan Gregory Furniture unit at Elsenham Poultry Farm in Old Mead Road to the north
- Tuplin warehouses and You're Furnished furniture distribution on Old Mead Road
- E. Corr Plant Hire and Groundworks (120+ employees) to the south
- Parklands Quendon Hall Hotel and venue to the north
- Carr & Bircher Recycling Centre to the south
- A pub in both Elsenham and Henham
- Several builders, painters and decorators, carpenters, plumbers, roofers, tilers, plasterers, etc in Elsenham and Henham
- Various shops and amenities in Stansted Mountfitchet
- Several farms
- Home Farm Trust in Ugley to the west
- Stansted Airport with over 13,000 jobs to the south
- Birchanger Service Area at M11 Junction 8
- Bretts Landfill

- Elsenham Stud Farm
- Saplings Nursery
- Parsonage Farm Industrial Estate near Stansted Mountfitchet
- Elsenham Golf Course and Leisure Centre to the south-east
- Water Cafe to the south-east
- De Salis Hotel to the south-east
- City Meadows Business Park to the south-east, including Molton Brown
- TriSail Towers one mile south-east of Elsenham *"has the energy to become an 'iconic International destination' and attract and command attention and Investment from World Class Clients. Located in the Centre of East of England's London Stansted core transport hub. City Meadows is creating a new economic centre and mixed use destination on the 44 acre linear estate which successfully accommodates world class consumer companies. TriSail, Elsenham Water Circle is the next phase creating a new economic and financial district for London Stansted. TriSail is attracting financial corporate companies both regional, national and international. It was estimated that 430 new jobs would be created with the TriSail development, although the development itself was controversial. TriSail Towers includes a retail space, 450 space car park, health spa, dentist, food convenience store, café, etc."*

This *TriSail* development was supported by the Council in the early 2000's because there was a *"healthy level of demand" with plenty of office schemes and business park development"*

- Cox and Sons Forestry - local wood from Widdington for heating use, etc.
- Village shop in Henham and a post office selling fresh bread, fresh groceries, dry / tinned goods, household items, etc.

3.09 Other local facilities and services contributing to sustainability are:

- Regular bus links from Elsenham to Stansted Mountfitchet & the Airport, Bishops Stortford and Saffron Walden.
- Frequent and regular trains from Elsenham Station, about 15 - 20 minutes' walk away, to London Liverpool Street (via Stansted Express) in 30 minutes, Harlow, Stansted, Bishops Stortford, Saffron Walden and Cambridge.
- Elsenham has a post office, hairdressers, beautician, takeaway, and a One-Stop Shop, selling fresh and frozen food, household products, newspapers, etc.
- Railway Cafe with shop selling newspapers and essential food items (at level crossing).
- Elsenham Football Club, Saffron Walden Rugby Club (in Henham) and Henham Tennis Club - all in close proximity.

- Amenities in both Henham and Elsenham include 2 churches, 2 pubs, 7 shops, 5 community halls, 2 primary schools and one doctors' surgery.

Conclusion

- 3.10 It is clear that this site is sustainably located with good transport links and within easy reach of a wide range of services and facilities.

Notation & Policies

- 3.11 The **National Planning Policy Framework** (NPPF) (2019) and the **National Planning Policy Guidance** (NPPG) (2014) are material considerations in all planning decisions. In the **Uttlesford Local Plan** (ULP) (2005), the site is located outside the Village Development Limits for Elsenham, and within The Countryside where the following Policies are relevant (*See Section 7 below*):

S7: The Countryside

H4: Backland Development

Paragraphs 6.13 – 6.14: Infilling

GEN1: Access

GEN2: Design & SPDs

GEN7: Nature Conservation

ENV3: Open Spaces and Trees

GEN8: Vehicle Parking Standards

4 EVALUATION

- 4.01 The information collected above has identified the following opportunities and constraints, which have been taken into account in formulating these Planning, Design & Access Statement (PD&AS) principles:

Opportunities

- 4.02 To provide one new dwelling within the main hamlet that forms part of Ugley Green village, thereby enhancing the appearance of this agriculturally redundant site. This dwelling would further infill this enclave of residential properties and other buildings help the LPA to achieve its 5-year housing supply and Windfall housing targets.

Constraints

- 4.03 To avoid any material harm to the appearance and character of the settlement, the site's semi-rural setting, highway safety, or to the amenities of neighbouring residents.

5 DESIGN PRINCIPLES

Use

- 5.01 The current use of the site is redundant agricultural.

Amount

- 5.02 Only one new permanent dwelling is proposed.

Layout

- 5.03 The new dwelling would be sited on the footprint of the existing building in the middle of the site and accessed via the drive past Little Hudson Farm & Lodge.

Scale, Design, Materials & Appearance

- 5.04 These matters are detailed on the accompanying drawing and show a modest dwelling that would be sympathetic to its semi-rural location. The proposed 1 storey bungalow, 2-bed dwelling has taken its design cues from both the barn that its foot print sits on, with a timber façade, but has enhanced its elevational treatment with the red brick plinth. The choice of a clay tile roof, came from its widespread use in both domestic, commercial and agricultural buildings within the Hamlet of Ugley Green.
- 5.05 A large drive and service area to allow space for any required service or emergency vehicles to service or access the site.

Landscaping, Ecology & Biodiversity

- 5.06 No existing trees or hedges would be affected by this proposal. There are no ponds on the site or evidence of wildlife or protected species.
- 5.07 A new additional hedge row has been added to the rear of the site which is already surrounded by large trees and evergreen hedges.
- 5.08 A Bat Survey has already been undertaken on this site in conjunction with UTT/20/2857/FUL.

6 ACCESS

- 6.01 The site, which has been considered by the LPA as suitable for residential development, is in a sustainable location and within reasonable walking/cycling distance of local amenities, including schools, nurseries, shops, churches and other community facilities in Elsenham.
- 6.02 The area is well served by good public transport links to allow access to neighbouring settlements and major transport infrastructure. The main-line railway station at Elsenham is only 20 minutes' walk away, with trains to Cambridge, Stansted Airport, Bishop's Stortford and London.
- 6.03 Accessibility to and within the site for vehicles, cycles and pedestrians would remain as existing. The land is reasonably level and access to the building would meet the needs of all sectors of the community. The dwelling would be capable of accommodating the needs of persons of limited ambulant ability and

would be adaptable in the longer term to meet the changing physical circumstances of its occupants and users. All the measures that are included in the proposals for *Lifetime Homes, Wheelchair Housing and Accessible Playspace* would be satisfied.

7 MATERIAL CONSIDERATIONS

7.01 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the Development Plan comprises the documents listed in paragraph 3.11 above.

Determining Issues

7.02 It is considered that the determining issues in this case are whether:

- i) The relevant Policies of the NPPF, NPPG, the ULP and the RLP would be satisfied.***
- ii) The new dwelling would differ significantly from the refused application.***
- iii) There would not be any material harm to other interests of acknowledged importance.***
- iv) The LPA's concerns, as detailed in their previous Report and Decision Notice, have now been overcome.***

Sustainability

7.05 The three revised objectives are:

a) Economic

*"To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time **to support** growth, innovation and **improved productivity**; and by identifying and coordinating the provision of infrastructure."*

7.06 Regarding this **economic objective**, the Government has added the words "to support improved productivity". This additional encouragement primarily relates to businesses, commercial and industrial activities, which would include housebuilders. This is now a further emphasis which should be added to the weight to be afforded to complying with this economic objective.

7.07 The original publication of the NPPF and its recent revision demonstrate that the Government now attaches greater emphasis to the economic benefits from development than it did before 2012. This is directly relevant in this case because the provision of a new dwelling on this site would encourage economic

investment in the rural community and help to support local services. Such benefits would continue in some form long after the dwelling was occupied.

- 7.08 It is important for the local community that smaller sites such as these are encouraged, in order to provide a range of dwelling sizes. Local builders are more likely to be employed on these smaller sites than on the larger estates, for example those currently under construction in Stansted Mountfitchet and Bishop's Stortford, where developers usually bring in their own workforces.
- 7.09 As a result, there would be a greater diversity of employment for local workers. In the short term, this would help to support local services. In the longer term, an additional family home would sustain the rural economy by increasing the viability of local facilities, thereby enhancing their ability to continue trading.
- 7.10 In its Report on the application to change the use and convert this barn to a dwelling granted in 2019, the LPA confirmed that:

"The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and occupants of the house would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit."

b) Social

*"To support strong, vibrant and healthy communities, by **ensuring** that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."*

- 7.11 The key change introduced in the revised NPPF regarding this **social objective** was the addition of the word requiring LPAs to "ensure", not just "provide", that a sufficient number and range of homes can be developed to meet the needs of present and future generations. It is considered that the provision of this new dwelling would help to deliver a wider range of homes to help meet local needs.
- 7.12 In its Emerging Review Local Plan (ERLP), the LPA is not proposing to allocate any small areas of land in Ugley Green for future residential development, preferring to rely on several allocated sites on the edge of Elsenham. In the absence of such proposals in Ugley Green, it is important to take the opportunity of approving Windfall sites, such as this one, where the local community benefits would outweigh any perceived harm to the rural environment. Ugley Green is a small village, but it forms a viable community where the provision of one new dwelling on this plot would help to retain its strength, health and vibrancy.
- 7.13 The LPA has recently confirmed that there is still a proven local need for more dwellings within the District and that it cannot meet the Government's 5-year housing target. At present the LPA can demonstrate that it has only 2.68 years' worth of housing land readily available. This proposal would assist in achieving that need in a small way. Moreover, it would also help the LPA to achieve its recently increased target for Windfall sites of 70 dpa.
- 7.14 Occupation of the new dwelling would help to generate greater demand and need for local services and interest in amenities by supporting community

activities. It is essential that the existing local services and facilities are fully utilised by encouraging suitable modest new developments, such as this one, into the community. The development as proposed would also contribute, in a small way, towards meeting future local housing needs.

c) Environmental

*"To contribute to protecting and enhancing our natural, built and historic environment; **including making effective use of land**, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low-carbon economy."*

7.16 The revised wording in the NPPF regarding this **environmental objective** now includes the requirement to make effective use of land. This wording does not refer specifically to previously-developed land (PDL) and the application site does not qualify as such in any event because of its previous agricultural use.

7.17 What it does require is that LPAs need to ensure that, as well as protecting and enhancing the natural environment, they make effective use of land that has been used, particularly where the land abuts a settlement as in this case. The provision of a new well-designed dwelling would represent a more efficient use of this land.

7.18 If granted, this proposal would enhance the appearance of the semi-derelict former agricultural buildings. Given that this well-screened site now has permission for a dwelling, there would be no harm to the semi-rural nature of the surroundings.

7.19 The site is set back approximately 75m from Fieldgate Lane and is softened by existing vegetation along its boundaries, which would be retained and strengthened where required. The proposed replacement of these existing buildings would cause no harmful effects on the adjacent countryside. On the contrary, it would enhance the attractive setting of the area which is currently under-used and unsightly.

7.20 In its Report on the application to change the use and convert this barn to a dwelling granted in 2019, the LPA confirmed that:

"The landscape performs the function of clearly defining and containing the extent of built form. The site, although within the rural countryside, does include a number of existing outbuildings, as the proposal is to convert the existing rural building. It is considered that the development would not result in a detrimental impact to the intrinsically rural appearance. The overall built form and appearance of the traditionally designed dwelling will overall improve this part of the rural area."

"The application site includes the existing detached building and access, the proposal will not result in the introduction of any further built form. However, the residential use will incur permitted development rights for the erection of outbuildings and extensions, although this will be limited. As such no conflict is made in regards to the visual harm to the openness of the site and the countryside area."

"The dwelling may result in an intensification of use of the site, however it is not considered of a significant level that will result in a material change in character of the site or impact the countryside. Furthermore, due to the existing built form of the building, the conversion to a dwelling is not diminishing the sense of place and local distinctiveness of the site and its surrounding area.

"As such the development is considered not to significantly alter or harm the landscape character of the area or encroach into the openness of the countryside. For the detailed and specific reasons set out above, the development proposed is considered in the context of the Framework to be sustainable, not an isolated site. The proposal accords with ULP Policies H6 and S7 and the NPPF."

7.21 These three objectives should not be undertaken in isolation, because they are mutually dependent. In terms of sustainability, it is also important to also consider the following three issues:

i) Accessibility to public transport

7.22 Elsenham is served by buses and trains which pass regularly on their journeys between London, Stansted Airport and Cambridge. Ugley Green is sited close to these services.

ii) Proximity to services & facilities

7.23 This site lies within 15 minutes walking distance of the bus stop and railway station, and 30 minutes to the local shops in Elsenham.

iii) Availability of educational facilities

7.24 This site lies within 40 minutes walking distance of the Local Primary school in Elsenham.

7.25 In its Report dated 28 June 2016 regarding the application to convert the former annex at Little Hudson Lodge into a separate dwelling (UTT/16/1203/FUL), the LPA stated that:

"The site, whilst in a rural location, does have transport links within relatively easy distance, albeit the reliance on the car would invariably be the main mode of transport. However, this would not be significantly different from the building being used as an annexe and, as encouraged by NPPF paragraph 196, this proposal would provide an additional dwelling meeting the social need for more smaller dwellings and in this instance is considered a suitable location for a dwelling of this size."

Conclusion regarding Change A): the NPPF & Sustainability

7.26 The NPPF is a material consideration in planning decisions and in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. As confirmed by the LPA in its previous decisions, this site at Ugley Green is sustainably-located and fulfils all three NPPF objectives. Its redevelopment as proposed would also contribute,

on a small-scale, to meeting local housing needs. Moreover, it would improve the semi-rural appearance of the area.

- 7.27 The recent changes to the NPPF emphasise the need to encourage small-scale development such as this one. Other NPPF policies relevant to this proposal are assessed below.

Change B): Change of use of these buildings to residential

- 7.28 On 03 June 2020 the LPA granted permission for the change of use and conversion of these buildings to a dwelling with an ancillary outbuilding and new windows, doors and renewed materials (UTT/20/0760). This decision establishes the principle of a dwelling on this land.

- 7.29 The LPA confirmed that all the five criteria of ULP Policy H6 were satisfied regarding the residential conversion of rural buildings. Their Report regarding this application stated that:

"The proposal will not result in a further encroachment on the open rural countryside of which it is set. The proposal will not result in an intensification of the site that will be harmful to the character of the site. As such it is considered that the proposal would be in (sic) appropriate to the countryside location and not in conflict with ULP Policy S7.

(It is assumed that the word "in" in the penultimate line was included in error.)

"It is also recognised that sets out applicable national planning policy in relation to sustainable development and housing in rural areas; it has been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach, the following paragraph sets out the assessment of the principle of the development in regards to the NPPF."

- 7.30 The LPA's Report goes on to state that NPPF paragraphs 170 & 77 promote sustainable development in rural areas and new housing should be located where it would enhance or maintain the vitality of rural communities. Paragraphs 78 – 79 take a less restrictive approach compared with the ULP, supporting the growth of existing settlements.

"The site's location within the loosely-defined village of Ugley Green ensures it is consistent with paragraphs 78 – 79, determined applications on the neighbouring site (UTT/18/1612/FUL and UTT/19/0025/FUL) and recent case law at Braintree DC)."

- 7.31 The "neighbouring site" relates to Maughns which is the subject of *Change E* below.

Conclusion regarding Change B)

- 7.32 This second change demonstrates that the principle of a dwelling on this land has now been established.

Change C): Housing Supply

- 7.33 In October 2019 the LPA published its latest statistics regarding the required 5-year housing supply, which continue to show an increasing shortfall. This currently stands at only 2.68 years' worth and emphasises the need to apportion increased weight to the release of land in sustainable locations such as this one. This figure has continued to fall from 3.29 years in March 2019, 3.46 years in 2018 and 3.77 years in 2017.
- 7.34 Government advice in its NPPF states that, in such circumstances, applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure that the level of housing supply is robust and provides a continuous delivery of housing. The LPA has to rely on future building allocations to reach the 5-year target (*see Change D below*).
- 7.35 In terms of the supply within the District, this shortage may not be an overly weighty matter in a case where only one new dwelling is concerned. However, it would also help the LPA to achieve its targets for **Windfall Sites**. The LPA has recently increased its previous annual target of 50 Windfall Sites outside Development Limits to 70 units, which are included in their housing totals (*Topic Paper: Consideration of a Windfall Allowance for Uttlesford – March 2017*). This increases the need for the LPA to encourage applications such as this one to help meet its revised target.

Conclusion regarding Change C): Housing Supply

- 7.36 Now that the LPA has confirmed that its supply of housing continues to decline, it is considered that this proposal would help to meet its targets. The current shortfall in housing supply would be reduced, albeit only slightly, by the provision of a dwelling on this land.

D) Change D): Emerging Review Local Plan (ERLP) (2017)

- 7.37 On 10 January 2020, the two principal Government Inspectors who are carrying out the current Review Local Plan Examination wrote to the Council expressing their concerns in relation to the deficiencies regarding several key matters and the plan's soundness. Their conclusion in paragraph 128 of their letter states:

*"We realise that the Council's preference might be to continue with the examination if at all possible and, although we will not reach a final decision on the way forward until we have had the opportunity to consider the Council's response to this letter, **we are of the view that withdrawal of the plan from examination is likely to be the most appropriate action.**"*
(My emphasis).

- 7.38 Following the postponement of the first Examination in Public in 2014, because the Inspector decided that insufficient housing land had been allocated, the effect of a further delay is likely to result in even greater shortfalls in the near future in respect of housing land availability. This would increase the pressure on the LPA to release more land in other sustainable locations in the interim.
- 7.39 This consequence was considered by the ERLP Inspectors and in paragraph 114 of their letter they state that:

"In order to arrive at a sound strategy, we consider that as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year HLS, until the Garden Communities begin to deliver housing."

- 7.40 The release of one such site as now proposed would help to meet this deficiency, albeit in a small way. To weigh against this benefit regard must be had to the adverse impacts raised by the LPA. In particular, the LPA considers that the environmental harm which they argue would result would outweigh the benefits likely to be achieved in terms of the economic and social objectives. However, the fact that this site is sustainably located on the edge of a village should be afforded greater weight.

Conclusion regarding Change D): Emerging Review Local Plan

- 7.41 This additional delay regarding the ERLP results in even greater pressure on the LPA to release sites such as this one in the interim.

Change E): Appeal decision at Maughans

- 7.42 On 13 February 2020 an Inspector allowed an appeal and granted permission for a new dwelling and garage on land at Maughans, Fieldgate Lane, Ugley Green (UTT/19/0025/FUL & APP/C1570/W/19/3230897). This site lies on the same eastern side of Fieldgate Lane as the current application site and immediately abuts the northern boundary of Little Hudson Farm and Lodge.

- 7.43 In paragraph 7 of his letter the Inspector concluded that:

"The appeal site is roughly halfway along Fieldgate Lane and is one of a number of undeveloped gaps that help to break up residential, commercial and agricultural development along the lane. An agricultural field and house are located opposite the site and there appears to be fields beyond the site to the east. The appeal site and nearby fields positively contribute to the rural nature of this part of the lane and to the countryside. Moving away from the centre of Ugley Green along Fieldgate Lane, the road opens up with larger fields and open spaces close to the appeal site."

- 7.44 The current application site lies immediately south of this property and is not one of the "undeveloped gaps" to which the Inspector refers, since it is already occupied by the existing former agricultural buildings.

- 7.45 In paragraph 8 the Inspector concluded that:

"The Council accepts that the village is loosely defined, and I have had regard to the extent of the existing development along the lane. There is no distinct building line along the lane and the proposed development would create a small cluster of residential dwellings and follow the generally linear form of development nearby. It would also maintain its distinct rear boundary to the fields beyond."

7.46 The Inspector confirmed that there is a "small cluster of residential dwellings" in Fieldhouse Lane. The dwelling proposed in the current application would be within this cluster and closer to the village centre.

Conclusion regarding Change E): Appeal decision at Maughans

7.49 This decision confirms that the current application site is sustainably located and that a new dwelling would be appropriate within this group.

Conclusion regarding Issue 1)

7.50 The cumulative effects of these changes result in the previous reasons for refusal being overcome.

Issue 2: Whether the relevant Policies of the NPPF, NPPG, the ULP and the RLP would be satisfied.

a) National Planning Policy Framework (NPPF) (2019)

7.51 In **paragraph 78**, the Government encourages LPAs to promote sustainable development in rural areas and to locate housing where it will enhance or maintain the vitality of rural communities. LPAs should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

7.52 **Paragraph 11** states that:

"Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

"Where the policies which are most important for determining applications are out-of-date, granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)."

7.53 The Government's advice would be complied with in this proposal by:

- recognising that the three objectives of sustainability would be satisfied,
- providing growth within the village to support a vibrant and healthy community and the services in Elsenham,
- helping to meet the local need for more dwellings and

- accepting that the re-use of an existing resource would be effective in reducing waste in the best interests of proper planning.

b) National Planning Practice Guidance (NPPG) (2014)

7.54 In its section regarding **Rural Housing**, the Government asks the question: "How should local authorities support sustainable rural communities?" The answer is in **paragraph 001** where it states that:

"It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the NPPF, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

*"Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
(My underlining)*

"The NPPF also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

7.55 It is clear from the Government's advice quoted above that it supports sustainable development in rural areas. ULP Policy S7 has been described as overly restrictive by *Ann Skippers* in her report (see *paragraph 7.30 below*) and by other Appeal Inspectors (see *Section 8 below*).

7.56 Therefore, Policy S7 can now be accurately described as a "*blanket policy*" which restricts housing development. It is clear that blanket policies such as S7 are discouraged by the Government in its NPPG.

Conclusion regarding the NPPG

7.57 The provision of an additional dwelling on this sustainably-located site would help to support this rural community by adding to the need for local facilities and services.

c) Uttlesford Local Plan

Policy S7: The Countryside

7.58 This blanket policy states that:

"The countryside will be protected for its own sake. Planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area."

- 7.59 In the independent ***Skippers' Report on the Compatibility Assessment between the ULP & the NPPF***, which was adopted by the LPA in September 2012, it was concluded that:

"The protection and enhancement of natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The Policy (S7) strictly controls new building, whereas the NPPF supports well-designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas."

- 7.60 Although this site lies within the countryside, as defined by the ULP, the *Skippers' Report* has since weakened the rather over-restrictive and negative wording of Policy S7 compared with the more recent positive Government advice.

- 7.61 This view was confirmed by an Inspector when deciding an appeal regarding a site at Wicken Bonhunt *four years ago* on 25 April 2016 (APP/1570/W/15/3135166 & UTT/15/0699/OP). The Inspector referred to the diminishing weight to be attached to Policy S7.

- 7.62 In paragraph 10 of his decision letter, the Inspector stated that:

"In so far as Policy S7 seeks to safeguard the countryside, it could be considered to be consistent with the core planning principles at Paragraph 17 of the Framework which recognises the intrinsic character and beauty of the countryside. However, due to its more restrictive approach by comparison with the Framework, Policy S7 cannot be considered to be consistent with the cost/benefit approach of the Framework that is evident from the three strand nature of sustainable growth, namely economic, social and environmental. Therefore, I can only afford it limited weight." (My emphasis.)

- 7.63 This statement was followed by another appeal decision when a different Inspector expressed the same view, also in April 2016, at Great Dunmow (APP/C1570/W/15/3140284 & UTT/15/2614/FUL).

- 7.64 It is considered, therefore, that Policy S7 is now of limited relevance when considering this current application. If the LPA disagrees, then its attention is drawn to similar cases which have been granted recently (see *Section 8 below*).

Policy H4: Backland Development

- 7.65 This Policy positively states that:

"Development of a parcel of land that does not have a road frontage will be permitted, if all the following (four) criteria are met:

a) *"There is significant under-use of land and development would make more effective use of it;*

7.66 This site is clearly under-used, being a redundant farm holding, and its redevelopment as proposed would certainly make more effective use of it. Although not strictly complying with the NPPF definition of previously-developed or brownfield land, it forms an integral part of this hamlet and would only become increasingly derelict if not redeveloped.

b) *"There would be no material overlooking or overshadowing of nearby properties;*

7.67 There would be no material overlooking or overshadowing to nearby properties.

c) *"Development would not have an overbearing effect on neighbouring properties;*

7.68 The proposed dwelling would be a single storey that would have no overbearing effect.

d) *"Access would not cause disturbance to nearby properties."*

7.69 As the access is a cul-de-sac, only vehicles associated with the new dwelling would pass the Farm and Lodge and it is not considered that they would create significant harm to the amenities of their occupants. The drive is 10m wide in front of the Lodge and access to the proposed dwelling could be satisfactorily accommodated without approaching within 5m of their front elevation.

Paragraphs 6.13 - 6.14: Infilling

7.70 Paragraph 6.14 states that:

"There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of dwellings 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."

7.71 Considering the eight issues raised in this paragraph in turn:

a) As infill proposals *"will be considered in the context of Policy S7"*, then the reduced weight to be afforded to that policy, as described above, will have the effect of partially relaxing the overly-firm restrictions on certain cases such as this current proposal.

b) The term *"strictly controlled"* should, therefore, not apply with such force as originally intended in 2005.

c) This site is not *"isolated"*, as it is close to the village of Elsenham where there are many sustainable services and facilities. In 2005, the LPA defined *"isolated"* as being more than 3km outside a VDL. Furthermore, the Courts have recently

confirmed that sites such as this, close to other properties, do not fall within that definition.

- d) This proposed infilling would be "*sensitive*" in that the new dwelling would be of a modest size.
- e) This site lies within a "*small group of dwellings*" between Little Hudson Farm and Lodge and the approved dwelling to the north at Maughans. The proposed dwelling would be only 75m from that house and would be in keeping with the ribbon character of the street scene. It would also make the best use of previously-developed land.
- f) This site lies outside the Elsenham VDL, but lies close to the western edge of the village.
- g) The development would be in character with its surroundings .
- h) There would be limited impact on the countryside to the east since the dwelling would be set back 75m from the road and would be screened by hedges and trees.

Conclusion regarding Infilling

7.72 This proposal meets all the relevant criteria and therefore qualifies as infilling.

Policy GEN1 – Access

7.73 This Policy requires that five criteria are met, four of which are relevant in this case:

- a) "*Access to the main road network must be capable of safely carrying the traffic generated by the development &*
- b) "*The traffic generated by the development must be capable of being accommodated on the surrounding transport network;*

7.74 The use of this site for residential occupation of one dwelling, rather than as a farmyard or stables, would not materially increase the number of vehicles using the lane.

- c) "*The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired;*

7.75 Users of the road would not have their access impeded.

d) N/A.

- e) "*The development encourages movement by means other than by a car.*"

7.76 This site is within 15 - 20 minutes' walking distance of the main-line railway station at Elsenham and is, therefore, sustainably located.

Policy GEN2 – Design

7.77 This Policy requires that nine criteria are met:

a) *"It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;*

7.78 The proposed building would be easily integrated into the village street scene.

b) *"It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;*

7.79 The main environmental feature of the site is its boundary screening, which would be retained.

c) *"It provides an environment which meets the reasonable needs of all potential users;*

7.80 See Section 6: Access above.

d) *"It helps to reduce the potential for crime;*

7.81 The use of this land for permanent residential occupation as proposed would reduce the relative isolation of adjacent properties on the edge of the hamlet.

e) *"It helps to minimise water and energy consumption;*

7.82 The dwelling would be supplied with up-to-date standards of water and energy facilities.

f) *"It has regard to guidance on layout and design adopted as SPG;*

7.83 There would be no change to the access or layout of the site and its appearance would be enhanced.

g) *"It helps to reduce waste production and encourages recycling and reuse;*

7.84 These facilities would be provided to modern standards.

h) *"It minimises the environmental impact on neighbouring properties by appropriate mitigating measures;*

7.85 All the existing boundary screening would be retained and strengthened where necessary. The extensive and well-established planting and native hedging with trees that surround the entire site would safeguard the privacy of future residents.

i) *"It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy or daylight, overbearing impact or overshadowing."*

7.86 These issues have already been confirmed above.

Policy GEN8 – Vehicle Parking Standards

- 7.87 This Policy requires that two spaces be provided for each dwelling on site. There is ample room for the parking of several vehicles.

Conclusion regarding the ULP

- 7.88 All the relevant Policies would be satisfied in this case.

8 SIMILAR RELEVANT RECENT CASES

Change A): NPPF revisions

A1) Old Whitehouse Farm, Whitehouse Road, Stebbing

- 8.01 On 13 November 2017, the LPA granted permission for the replacement of stables with one dwelling at Old Whitehouse Farm, Whitehouse Road, Stebbing (UTT/17/2414/FUL). This site is considerably more isolated than the current case at Ugley Green, lying in open countryside some 1.5km outside the village on a narrow lane with no public transport services and only a few nearby dwellings.

- 8.02 In its Report, the LPA concluded that the redevelopment would:

"Make more appropriate and efficient use of the land when assessed against the provisions of the NPPF, which takes a more positive stance to new development within the rural areas than ULP Policy S7, providing that it can be demonstrated that the development is sustainable.

"In this respect, it is accepted that the site is not within an inherently sustainable location relative to Stebbing village, which has a primary school, village shop and local amenities. However, this locational deficiency has to be balanced against the environmental improvements which would be gained from placing a well-scaled and designed dwelling on the site.

"In this regard, the dwelling would comprise a bungalow of traditional appearance, of good design proportions, which would have a footprint, scale and siting approximately commensurate with those of the single-storey buildings to be demolished, would sit well within the site, albeit that the dwelling would sit slightly off the existing built form to the front, and which would be screened to the road frontage and the eastern flank boundary.

"As such, the development would not have a significantly harmful impact on the rural amenities."

- 8.03 This case is very similar to the current proposal at Fieldgate Lane, particularly in respect of the LPA's agreement that the negative and restrictive effects of Policy S7 have now been superseded by the more positive stance of the NPPF and NPPG regarding new dwellings in rural areas. The cases are also similar regarding the existing agricultural and stabling buildings, the low-key bungalows and the environmental improvements. The site at Ugley Green is considerably more sustainably located and also the new dwelling would not be visible from the highway.

8.04 Although this decision was made a year before the previous refusal at Fieldgate Lane, this case at Stebbing emphasises that the more recent changes Government policies in its revised NPPF should be afforded increasing weight, as explained in Change A) above.

A2) Haydens House, Onslow Green, Barnston

8.05 A more recent example was made on 24 July 2019, when the LPA granted permission for the change of use of a domestic outbuilding to a single dwelling (UTT/19/0427/FUL). This site lies 2km outside Barnston on the edge of the hamlet of Onslow Green. An Inspector had previously decided that the site was not sustainably located and dismissed an appeal regarding the previous proposal for the same development.

8.06 However, the LPA decided that the revised NPPF published in February 2019 now supports residential conversions in cases such as this, regarding Change A) above.

Change B): Previous permission to convert to residential use

B1) Dunmow Road, Hatfield Heath

8.07 Following the permission to convert stables to a dwelling in September 2017, on 15 May 2018 the LPA granted permission for the replacement of stables with one dwelling (UTT/17/3687/FUL). This site is situated a similar distance from the village as the current site at Ugley Green is from Elsenham. The LPA concluded that the proposal met the three strands of sustainability.

B2) Tye Green Road, Elsenham

8.08 Following the permissions to convert an agricultural building to a dwelling in 2019, on 23 March 2020 the LPA granted permission to replace the building with a dwelling (UTT/19/3043/FUL). This site is situated a similar distance from Elsenham as the current site at Ugley Green. The LPA concluded that the proposal met the three strands of sustainability.

8.09 These decisions confirm the LPA's acceptance that the replacement of stables by a dwelling, where residential conversion had previously been granted, is appropriate, as explained in Change B) above.

Change C): Housing Supply

C1) Warehouse Villas, Stebbing

8.10 In its Officers' Report to the Planning Committee meeting on 18 December 2019 regarding an application for 17 dwellings on a site outside the Village Development Limits for Stebbing (UTT/19/0476/OP), the LPA stated that:

"The Council has very recently published its 2019 Housing Delivery Test and 5-Year Land Supply Statement (October 2019), whereby the purpose of the statement is to set out the Council's 5-year housing supply and an indicative trajectory of housing delivery during the plan period for the purposes of decision-taking. This latest housing trajectory and 5-year housing land supply (5YHLS) statement for Uttlesford District Council as of 1 April 2019 indicates

that the Council's 5YHLS is 2.68 years, which is down from 3.29 years as calculated for 2018.

"This further 5YHLS deficit figure compares with the Council's 5YHLS figure for the new draft Local Plan of 5.65 years. This indicated reduced 5YHLS figure for 2019 down from 2018 is a material consideration for the current application proposal, whereby Paragraph 11 of the NPPF is engaged in view of the Council's local housing policies now having little weight because of the 5 year housing deficit and where weight should be given to the benefits of new housing delivery for the district. It is therefore considered that the principle of housing at this site is acceptable in the tilted planning balance".

C2) The Orchard, Kate's Lane, Ashdon

8.11 On 4 February 2020, an Inspector allowed an appeal regarding one dwelling in the garden of this property outside the village (UTT/19/1220/OP). Despite finding that the proposal would be harmful to the character and appearance of the site and surrounding area, contrary to Policy S7, he concluded that the housing shortfall was so severe that it overruled the policy objection.

8.12 In paragraph 11 of his decision letter, the Inspector stated that:

"The Council have confirmed in their statement that they are unable to demonstrate the provision of a 5-year supply of land for housing, measured against their housing requirements. Moreover, based on the evidence before me, it was clear that the shortfall in housing supply is significant with the Council only able to demonstrate 3.29 years of deliverable land for housing supply. Paragraph 11 of the National Planning Policy Framework (the Framework) is therefore engaged."

8.13 In paragraph 12 of his letter, the Inspector stated that:

"I have found that the development proposed would be contrary to the development plan and would result in moderate harm to the character and appearance of the area. Balanced against this is the contribution to the supply of housing of 1 new home and a short-term economic benefit from the construction of the house. There would be on-going social and economic benefits from its occupation. The appeal site is close to the village of Ashdon, and the occupants of the proposed dwelling would be able to access the village's services and buses without being dependent on private cars. I have afforded significant weight to these benefits, given the extent of the shortfall."

8.14 In paragraph 13 the Inspector concluded that:

"Consequently, taking everything into account including all other material considerations, I conclude that the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies of the Framework as a whole. Furthermore, I have found that paragraph 11 of the Framework would apply here, and in that context the presumption in favour of sustainable development is a material consideration which warrants a decision other than in accordance with the development plan."

8.15 At the time of his considerations, the Inspector had available to him the previous figure of 3.29 years of housing supply. However, in October 2019 the

figure had fallen again to just 2.68 years and no doubt now stands even lower. Consequently, the weight to be afforded to this factor has since increased even further at Ugley Green.

8.16 These decisions confirm the relevance of Change C) above.

Change D): Further delay to the ERLP

8.17 On 10 January 2020, the two principal Government Inspectors who are carrying out the Review Local Plan Examination wrote to the Council expressing their concerns in relation to the deficiencies regarding several key matters and the plan's soundness.

8.18 Their conclusion in paragraph 128 of their letter states:

*"We realise that the Council's preference might be to continue with the examination if at all possible and, although we will not reach a final decision on the way forward until we have had the opportunity to consider the Council's response to this letter, **we are of the view that withdrawal of the plan from examination is likely to be the most appropriate action.**"*

(My emphasis)

8.19 Following the postponement of the first Examination in Public in 2014, because the Inspector decided that insufficient housing land had been allocated, the effect of a further delay will now result in even greater shortfalls in the future in respect of housing land availability. This will increase the pressure on the LPA to release more land in other sustainable locations in the interim, as suggested by the LP Inspectors.

8.20 In paragraph 114, the Inspectors state that:

"In order to arrive at a sound strategy, we consider that as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year HLS, until the Garden Communities begin to deliver housing."

8.21 The release of one such small site, as now proposed at Ugley Green, would help to meet this deficiency. The fact that only one new dwelling is proposed, which the LPA may previously have considered of an insignificant benefit, is contradicted by the Inspector's decision at Ashdon (*see paragraphs 8.10 – 8.15 above*).

8.22 This decision confirms the relevance of Change D) above.

Change E): Permission at Maughns

8.23 This decision confirms that the current application site is sustainably located and that a new dwelling would be appropriate within this group.

9 SUMMARY

9.01 This revised sustainable proposal would have no demonstrably harmful effects on any interest of acknowledged importance and would meet the Government's

advice as set out in their NPPF & NPPG. The opportunities set out in paragraph 4.02 would be achieved and none of the constraints in paragraph 4.03 would be realised.

9.02 The relevant and recent decisions analysed in Section 8 above confirm that this revised proposal complies with the NPPF and permission should now be granted.