



UTTLESFORD DISTRICT COUNCIL

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Our Ref: UTT/21/1438/DOC

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THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015 PART 5 - DISCHARGE OF CONDITIONS

Location: Poplars Farm, Broad Bridge Road, Aythorpe Roding, Dunmow, CM6 1RX,

Proposal: Application to discharge condition 11 (provision of new landscaped earth bund)
attached to UTT/20/0561/FUL.

Uttlesford District Council as the Local Planning Authority hereby make the following decision(s) on
the application UTT/21/1438/DOC received on 27.04.2021 regarding the above conditions.

Decision: REFUSE TO DISCHARGE the following condition(s):

11. A scheme of site restoration works, to include the provision of a new landscaped earth bund, the precise positioning, height and planting specification to be agreed, and also seeking the removal of the unauthorised access roadway laid down the eastern side of the site shall be submitted to the local planning authority for written approval within 3 months of the date of this decision notice. Subsequently, the site restoration scheme as approved shall be fully implemented within 6 months of the date of this decision notice.

REASON: To protect the visual and residential amenities of the area in accordance with ULP Policies S7 and GEN4 of the Uttlesford Local Plan (adopted 2005).

11. Condition 11 (Replacement Bund):

The indicated siting position for the proposed replacement landscaped earth bund, namely onto the northern boundary of Poplars Farm (BEDEC) as shown on submitted drawing 'SITE LOCATION PLAN - PROPOSED NEW SCREEN BUND' (Anthony Jane, drwg. ref. 10934/A1/24 dated APR 2021), does not appear from the planning history records the Local Planning Authority holds for Poplars Farm to enjoy the benefit of light industrial curtilage as a result of the original grants of planning permission by the Local Planning Authority for the conversion/change of use of redundant agricultural buildings at Poplars Farm to light industrial use under refs; UTT/0400/87 and UTT/1408/87 (applicant: Tivendale) or as a result of the subsequent grant of planning permission for the change of use of a bullock yard at Poplars Farm to light industrial use under ref; UTT/0742/89 (applicant: Paintology Colours Ltd). Furthermore, the indicated siting position for the proposed replacement bund does not alternatively benefit from any Established Use Certificate or Certificate of Lawfulness for an Existing Use or Development for light

industrial use for Poplars Farm as light industrial curtilage.

In addition, the proposed replacement landscaped earth bund at a stated overall length of 28m running along the aforementioned northern boundary of Poplars Farm at a stated height of 1.8m to be formed on sloping ground falling towards the north with a 1.8m high sacrificial close-boarded fence to be erected on top with tree/hedge planting set behind would at a resulting overall indicated height of 3.6m as measured from natural ground level represent an oppressive and overbearing engineering operation feature to be experienced by the occupants of Little Poplars lying to the immediate north. As such, the proposed replacement bund as shown for this siting position on the submitted plan would have a detrimental impact on the residential amenities of this residential property to a material and significant degree contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (revised 2021).

STATUS: REFUSE DISCHARGE OF CONDTION 11 ATTACHED TO PLANNING PERMISSION UTT/20/0561/FUL

Dated:8th February 2022



Tracey Coleman
Interim Director Planning and Building Control

Notes:

1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>