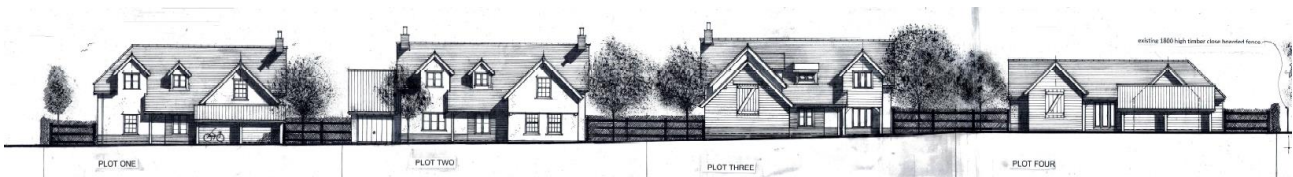




**LAND NORTH OF CORNELLS LANE, WIDDINGTON, ESSEX**



## **PLANNING, DESIGN & ACCESS STATEMENT**

**ERECTION OF 4 NO. DETACHED DWELLINGS AND ASSOCIATED WORKS**

**FOR MR AND MRS M.TEE**

**JUNE 2021**

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## 1.0 INTRODUCTION

- 1.1 This statement accompanies a detailed planning application submitted on behalf of Mr and Mrs M. Tee, owners of the application site.
- 1.2 It provides a justification for a minor housing development scheme on land north of Cornells Lane, Widdington, Essex.
- 1.3 The application proposes the erection of four no. dwellings and associated works. The application is proposed on part of a private paddock, the overall paddock land being attached to the applicant's property at Meadow Cottage, High Street, Widdington.
- 1.4 Details of the site and its context are set out in Chapter 2. A description is provided along with information on site constraints and opportunities. Relevant planning history is referred to which, in particular, includes two previous planning application proposals for larger developments (15 and 20 dwellings) upon on a much wider area of land (ie the whole paddock) than now applied for.
- 1.5 Chapter 3 provides details of the Site Location and its Sustainability. In relation to the scale of housing development proposed, the sustainability of the location is considered, taking account of local facilities, public transport services and planning permissions for other housing in Widdington.
- 1.6 The Proposed Development is described at Chapter 4, which includes a Design and Access Statement. This explains the evolution of the scheme and sets out a rationale for the proposed development. The proposals are put forward as a sustainable minor development, positively addressing various planning matters including housing supply shortages, as well as Uttlesford District Council's declared Climate and Ecological Emergency. Significant energy efficiency and ecological measures are proposed.
- 1.7 Applicable planning policies and material considerations (including Government Policy) are referred to in Chapter 5. A detailed justification for the proposals taking into account planning policy is given in Chapter 6. It will be demonstrated that the proposals represent a Sustainable Development and accordingly that permission should be forthcoming, balancing the scheme's benefits against any impacts of development.
- 1.8 This statement draws together the relevant planning issues that need to be considered in determining the application. It should be read in conjunction with the other accompanying documents, including the following:
  - Planning Application Form
  - Photographs of Site and Context
  - Facilities Map
  - Access Assessment
  - Preliminary Ecological Appraisal
  - Minor Development Biodiversity Checklist
  - Arboricultural Impact Assessment
  - Heritage statement
  - Energy statement

- Sustainability Statement
- Flood Map for Planning
- Bus Timetable – 301 Service
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- Scheme Drawings (listed below)
- Drawing No: P 5004-03 Rev A – Location Plan
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## 2.0 SITE AND CONTEXT

### Site Context and Character

- 2.1 The application site measures 0.48ha and comprises part of a much larger area of managed paddock land measuring approximately 1.34ha, located north of Cornells Lane in Widdington. Information regarding the Site Location and Sustainability of the village is set out at Chapter 3.
- 2.2 Reference should be paid to the submitted document entitled '**Photographs of Site and Context**' which provide additional contextual information of the site, its surroundings, viewpoints and other information such as village facilities and examples of local housing.
- 2.3 The site lies just to the east of the built up village core, adjacent the (Local Plan) settlement boundary, represented by development in High Street, comprising mainly housing of various styles and ages. The High Street also contains the local pub, village hall and bus stops. Further detail of these and other local facilities is set out at Chapter 3.
- 2.4 To the north, beyond the rest of the paddock area lying outside of the site (which is to be retained, complete with new ecology area), lies further built development. This includes a variety of modern housing, having filtered views through vegetation over the whole existing paddock (of which the site forms part). Three detached dwellings off Church Lane have recently been constructed. There will also be a fourth dwelling off Church Lane at Meadowcroft, with planning permission for a substantial replacement detached dwelling in place of a (recently demolished) chalet bungalow.
- 2.5 To the east, beyond mature hedgerow and occasional trees, lies agricultural land, to the north side of Cornells Lane. Various public footpaths cross that farmland from where views towards the site are possible. However, views of the site itself (and therefore the proposed development) are restricted by significant mature vegetation lying along the eastern boundary of the subject paddock.
- 2.6 The site's southern boundary has a frontage to Cornells Lane, from where a current maintenance access is located at the site's western tip, linking to the public highway adjacent White Cottage and Roseley Barn. Heading further east, Cornells Lane includes a bank which steadily increases in height on both sides of the lane and is steepest at the far eastern end of the site.
- 2.7 Cornells Lane is a no through road, circa 2km long, with a variety of residential properties along its overall route, predominantly to the south side. These dwellings help to confirm the characteristics of Cornells Lane as residential as well as (east of the site) agricultural. One notable additional land use along Cornells Lane was the Mole Hall Wildlife Park, circa 800m east of the site, which was a popular attraction for tourists and schools until its closure several years ago.
- 2.8 The first 600m of Cornells Lane heading east from its junction with High Street comprises an unbroken line of housing and gardens, these with accesses direct from the lane.
- 2.9 Opposite the application site, to the south side, lie two dwellings along Cornells Lane. To the south-west William the Conqueror, is a 2 storey dwelling lying at street level with gravelled access for parking area. Immediately adjacent its access (but with an intervening public footpath) is a 7m wide concrete

apron providing a vehicular access and driveway (through its domestic grounds) to Weft House. This access is seen to be cut in to the bank along Cornells Lane and is attractively landscaped. Weft House is a large 2 storey dwelling, located opposite the south-east corner of the site. At this point, the bank to Cornells Lane is quite high and Weft House, which is sited fairly close to the bank, is visible (reiterating a residential character) although its visual prominence is softened to some extent by intervening landscape vegetation.

- 2.10 Weft House has an additional access off Cornells Lane opposite the south-east corner of the site. Again this is cut in to the bank. The access rises steadily. Just east of this are found two further residential accesses direct off Cornells Lane, again cut in to and rising through the lane's bank.
- 2.11 To the west and north-west of the site, the context is residential. The large dwelling at Roseley Barn lies west of the body of the site. It has large grounds to its rear including domestic garden and attached vegetable garden. The overall property includes various outbuildings including a 4m (two storey) high 'treehouse' erected with the benefit of planning permission, plus a greenhouse, helping to confirm the residential characteristics. Adjacent to the site's south-western nib are found White Cottage including its domestic garage building and also the grounds of Roseley Barn.
- 2.12 To the north-west, is the applicant's property at Meadow Cottage and its grounds, which back on to the existing paddock. The element which it has direct views over lies outside of the application site and such views would be unaffected by the built development proposals. As such, a 'transition' (ie a clear undeveloped gap) between existing buildings (off High Street) to the west and agricultural land further to the east will be maintained.

### Site Description

- 2.13 The application site comprises the southern part of the overall paddock. The paddock measures 1.34ha, whereas the application site only measures 0.48ha, meaning that approximately 0.86ha (2.08 acres) of the overall paddock will remain undeveloped by residential buildings and uses.
- 2.14 The main body of the application site is broadly rectangular in nature, so that it is linear in shape running parallel to the road frontage with Cornells Lane. The depth of the site is designed to respect a linear context in relation to Cornells Lane. The rearmost (northern) edge of the application site does not extend beyond the southernmost flank wall of Roseley Barn, so that this property will continue to enjoy (albeit private) views over the retained paddock if these are available from first floor windows.
- 2.15 The site is laid to grass which is regularly maintained to a short height. The site steadily rises from west to east.
- 2.16 The site's western nib (which is adopted Highway at its extreme) comprises land used as the current gated access to the paddock available for use by maintenance vehicles. The access is connected to the public highway of Cornells Lane. There is a surfaced footpath running towards High Street at the point where the access commences, meaning that surfaced pedestrian access is available from the application site to High Street facilities. However, the paddock access is single track and not perpendicular at its junction with the road.

- 2.17 To the south-west of the site is an electricity sub-station with overhead poles. Power lines (supported by poles) run across the site and then towards the eastern edge of the paddock. The site's western boundary is set in from the paddock's boundary to create a gap (easement) for the electricity power lines to be grounded and to allow for paddock maintenance access.
- 2.18 The site's eastern boundary is also artificially created so as to allow a small maintenance gap for a recently erected 1.8m high close board fence, this enclosing a newly created footpath corridor running immediately west of the mature hedgerow which encloses the overall paddock land. This footpath is in addition to another footpath which is used to the east side of the subject hedge. Steps rise up from Cornells Lane through the bank aligning with the easternmost footpath. The relevant footpath route is a public right of way, linking Church Lane to Cornells Lane. However, there is no footway alongside the site's frontage with Cornells Lane, so the public have to walk in the road. The application scheme proposes a new path for pedestrians to walk safely within the site, parallel to Cornells Lane.
- 2.19 The 1.8m fence to the east of the site was recently erected under permitted development rights, in response to trespass and amenity problems arising. Its erection has had the effect of curtailing or limiting views across the application site and the wider paddock. At time of writing there is a central section of fence beyond the application site (adjacent the retained paddock's eastern boundary) which has a frame with mesh netting but has not yet been completed with close boarding but could occur under permitted development rights. Further north along the paddock's eastern boundary, the final section of fence has been close boarded.
- 2.20 The application site's physical circumstances provide reasonably defensible boundaries, all within the applicant's control:
- It is well contained by the fence and mature planting near the site's eastern boundary. This planting also helps shield and soften longer viewpoints from public footpaths within farmland to the east.
  - The southern boundary to Cornells Lane is generally well vegetated by trees although improvements can be made
  - Views from the High Street and Hamel Way direction are prevented by intervening buildings and vegetation, albeit a view of the existing access and electrical apparatus of the sub station is available.
  - The site's northern boundary is within the paddock and the design includes solutions to make this defensible in a sustainable and ecological manner, as explained later. However, publicly available viewpoints of this part of the site would be curtailed if the central section of fence frame to the paddock's east side is completed with boarding
- 2.21 Therefore, *public* viewpoints of the site are limited. Furthermore, public views could legitimately be further restricted to the east side of the retained paddock (north of the application site) by additional close board fencing under permitted development rights. This is a material consideration in the consideration of public viewpoints of the site and the proposed development scheme.

## Site Constraints

### Trees and Vegetation

- 2.22 A tree survey has been carried out and is included within the submitted **Arboricultural Impact Assessment Report** ('AIA').
- 2.23 The AIA advises that extreme western end of the site boundary lies in the Widdington Conservation area. No trees are protected by a Tree Preservation Order and the hedgerows do not qualify as being important under the Hedgerow Regulations 1997.
- 2.24 In respect of the Cornells Lane frontage and its bank, the AIA states that the trees on the bank (which is steeper on the eastern end than the western end) have collective landscape value, but individuals are of mixed quality.
- 2.25 Analysis is made by the AIA of the area for the proposed access. This will require removal of some "patchy" hedgerow. Within this small group the species are of "low quality" (i.e. unclassified tree status) and comprise elm, blackthorn and elder.
- 2.26 Regarding the hedgerow which is outside the site, beyond its eastern boundary, the AIA states that the hedge is unmanaged and the woody species is almost entirely hawthorn, with some patches of blackthorn which lean in towards the site. Parts of the hedge have dense bramble and ivy. The hedge has varying heights and widths, and parts are denser than others. Management will prolong the safe useful life expectancy and improve the appearance of the hedge. Some works have recently taken place to accommodate a footpath corridor.
- 2.27 The AIA makes a number of recommendations for tree works, both in relation to the proposed development and more generally irrespective of development, including off site works (eg trees on and overhanging the public highway of Cornells Lane) which other parties may have responsibility for.

### Flood Risk

- 2.28 The site does not lie in an area liable to flood (lying in Flood Zone 1 – low probability of flooding - according to Environment Agency Maps). Details are set out in the submitted **Flood Map for Planning**.

### Biodiversity

- 2.29 An ecological survey has been carried out and recommendations included in the submitted **Preliminary Ecological Appraisal** ('PEA').
- 2.30 A **Minor Development Biodiversity Validation Checklist** has also been completed.
- 2.31 The PEA's objectives were to:
- Map the main ecological features within the site and compile a plant species list for each habitat type;



- Make an initial assessment of the presence or likely absence of species of conservation concern;
- Identify any legal and planning policy constraints relevant to nature conservation which may affect the development;
- Determine any potential further ecological issues;
- Determine the need for further surveys and mitigation;
- Make recommendations for minimising impacts on biodiversity and providing net gains in biodiversity where possible in accordance with Chapter 15: Conserving and Enhancing the Natural Environment, of the National Planning Policy Framework (NPPF) (MHCLG, 2019) and relevant nature conservation policies within the Uttlesford Local Plan Adopted January 2005.

2.32 The PEA does not identify any undue ecological constraints to development. The Executive Summary is set out in this statement at Chapter 4.

### [Highways and Access](#)

2.33 The submitted **Access Assessment** reports existing highway conditions.

2.34 The current access to the site from Cornells Lane is by way of a gated field access located in the site's south-western corner, adjacent to the rear of the neighbouring property. This access also serves an electricity substation.

2.35 Cornells Lane is a single carriageway unclassified public highway extending some 2km eastwards from its junction with High Street, which is located a short distance to the west of the existing site access. At the site location, Cornells Lane is subject to a 30mph speed limit and comprises a single carriageway with a verge and bank to the nearside and a verge on the off-side.

2.36 Although no pedestrian footway is present along the site frontage, there is an existing footway between the current site access in the south-west corner of the site, linking through to the footway provision on High Street. The existing pedestrian facilities within the village are otherwise generally suitable, with a footway measuring some 1.5m in width provided along the eastern side of the High Street to the north of its junction with Cornells Lane that gives access to the village centre and services. As stated, the application proposes a new footpath and creation of a safe walking environment for pedestrians through the site to link to High Street plus the footpaths to the east.

2.37 A speed survey has been undertaken. Recorded dry weather speeds of traffic both eastbound and westbound in the vicinity of the proposed access were under 30mph. The traffic data includes a 7-day average of 136 eastbound vehicles movements and 140 westbound movements on Cornells Lane passing the site access. As would be expected for such a location, the great majority comprise cars and light good vehicles.

2.38 Cornells Lane serves numerous residential properties as well as agricultural land. It also used to serve Mole Hall Wildlife Park from 1963 until its closure in 2008. This was a popular attraction for families and schools, with resultant significant traffic movements of visiting school buses and cars.

2.39 Reference to CrashMap data confirms that there are no recorded accidents within Cornells Lane within the 5-year period to date.

## [Heritage](#)

- 2.40 A **Heritage Statement** has been prepared to identify and assess the significance of heritage assets which need to be considered in this application.
- 2.41 It identifies that the application site is located adjacent the village core, to the east side of Widdington. It is located almost exclusively outside of the Widdington Conservation Area, except for the southwest extreme of the site, which includes a nib of highway land forming part of the existing maintenance access to the site from Cornells Lane. The element of this existing access up to the access gates, is located within the Conservation Area.
- 2.42 The remainder of the site forms part of the setting of the Conservation Area, together with various identified listed buildings within the Widdington Conservation Area. These are:
- Church of St Mary the Virgin (Grade II\*; NHL 1238372)
  - Corner Cottage/The White Cottage (Grade II; NHL 1238374)
  - Martins Farmhouse and associated buildings (Grade II; NHL 1238383)
  - William the Conqueror (Grade II; NHL 1238376)
- 2.43 In addition, the proposals for the new access will involve a part of Cornells Lane, a protected lane that has been identified by Uttlesford District Council as a non-designated heritage asset when considering previous applications.
- 2.44 The report demonstrates that the site forms part of the setting of the Widdington Conservation Area and various listed buildings contained therein. It currently provides a degree of rural context and permits some views into the conservation area. As such it makes a limited contribution to the historic interest of the conservation area and, to a lesser extent, its architectural interest.

## [Planning History](#)

- 2.45 There has been one previous planning application (ref: UTT/20/2193/FUL) covering the *exact area* of the application site ie part of the overall paddock. This proposed the erection of 4 dwellings and associated works. The application was withdrawn on 6<sup>th</sup> November 2020 in order to take account of consultee comments and to review the proposal. An amended scheme of reduced scale, complete with additional professional reports is now made.
- 2.46 Two planning applications on a much larger area of land comprising the whole paddock (and therefore including the current application site within it) were previously made. These applications were for 20 dwellings (ref: UTT/18/0885/FUL) refused 16<sup>th</sup> October 2018 and for 15 dwellings (ref: UTT/19/2623/FUL) refused 3<sup>rd</sup> March 2020. The larger scheme was the subject of an appeal which was dismissed on 30<sup>th</sup> January 2020.
- 2.47 The issues arising from these previous decisions have a degree of bearing on the current application but to a limited extent, noting that such proposals covered a significantly larger area of land (ie approximately 2 acres more than the current application site), significantly more housing plus a

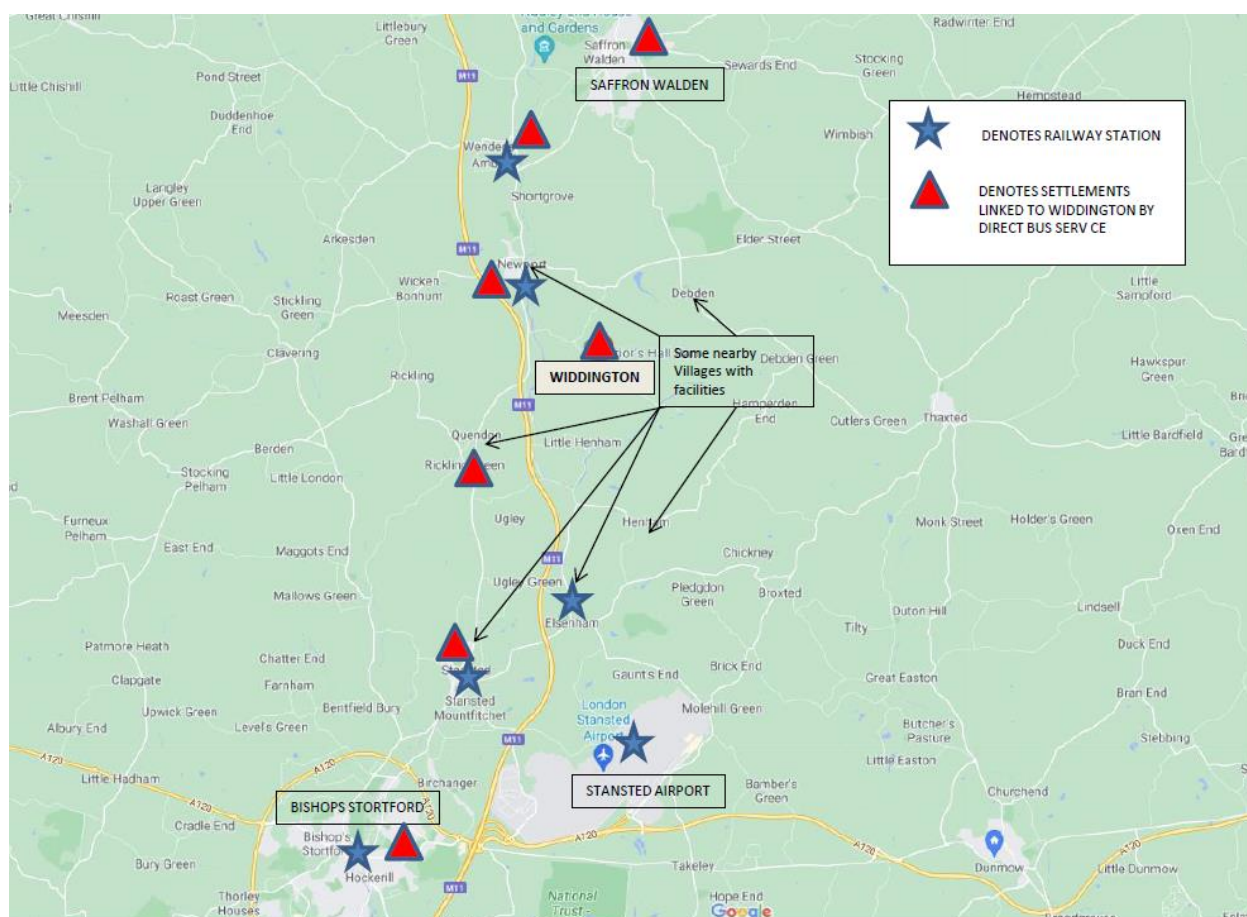
differently sited and larger access. Further details are set out at Chapter 4, from which the current proposals can be seen to have fully addressed previous planning concerns.

- 2.48 There has also been previous pre-application advice from planning officers which provides useful background, again reported at Chapter 4.

### 3.0 SITE LOCATION & SUSTAINABILITY

#### Widdington - General

- 3.1 The site is located in the village of Widdington. Full details of the site are set out at Chapter 2.
- 3.2 The settlement's spatial relationship with other nearby settlements is shown on the map below. The larger village of Newport lies north-west circa 3km distant and the town of Saffron Walden lies north about 7km distant. London Stansted Airport, one of the largest employers in Uttlesford and Essex lies nearby, 8km south. The large town of Bishops Stortford lies 11km south-west. The strategic road network includes the M11 (the London-Harlow-Cambridge corridor). Junction 8 for London and Harlow lies 10km south where there is also an interchange with the A120 westbound (leading to the A10 for Hertford/London) and eastbound for Colchester/Ipswich. Neighbouring villages with a variety of facilities lie within a few kilometres. The local bus service connects various large and small settlements as well as most of the railway stations (serving London to Cambridge) shown, including those at Newport, Audley End and Bishops Stortford.



#### Local Facilities

- 3.3 Widdington is a rural community. The population of the parish as at the 2011 census was 504. Consistent with its size, Widdington has the following key facilities serving its population:
- Widdington Village Hall – for clubs/societies, community functions, etc

- A weekly Mobile Post Office, visiting the village hall on Tuesdays
- Visiting Fruit and Veg stall on Tuesdays
- Fleur de Lys Public House
- Visiting mobile guest caterers in pub car park
- Visiting mobile shop ('The Refill Barn') in pub car park on Tuesdays
- St Mary the Virgin Church (provides regular services)
- Equipped Children's Play Park
- Allotments
- Recycling facilities at village hall
- Public Transport (see below)

3.4 These facilities are shown on the **Facilities Map**.

3.5 The Widdington Parish Magazine, June 2021 (see advertisement on Facilities Map) advertises 'Shopping in the Village'. This includes three services which visit the village hall and Fleur de Lys car parks weekly, on a Tuesday, these being:

- 'The Refill Barn'
- Fruit and Veg Stall
- Mobile post office.

3.6 The magazine cites that,

*'you can send parcels, buy fresh produce and even stock up on everyday household essentials perhaps without even getting in your car. Plus bring your own pots, jars or bags and you won't have any waste to bin or recycle!'*

3.7 The Refill Barn is aimed at reducing household waste. Customers bring along their own containers for these to be refilled. Available products include package free food, toiletries and cleaning products (see advertisement supplied).

3.8 The Mobile Post Office includes a modified van which is fully equipped to offer most Post Office services including:

- Posting letters and parcels
- Returning online shopping items.
- Banking services including cash withdrawals
- Balance enquiries for customers of all the main UK banks.
- Pensions withdrawals
- Bill payments
- Pre-ordering any foreign currency.
- Buying cards and Stationery
- And pre-ordering essential food orders for collection

3.9 Details are set out in this website article:

<https://www.itv.com/news/anglia/2020-11-13/mobile-post-office-to-reach-rural-communities-thanks-to-modified-van>

- 3.10 Nearby, the village of Newport provides a number of additional services, including a primary school, secondary school with sixth form, a pharmacy, a number of independent retailers, a doctors' surgery, petrol station and a train station with services to London and Cambridge. As from June 2021, Newport also offers has a complementary post office service on Wednesdays and Thursdays, operating from the Debden Grange retirement village, Fallow Drive, off Bury Water Lane. The town of Saffron Walden offers a wider range of services including (but not restricted to) banks, food superstores, regular markets, a hospital, dentists, further independent and national retailers, cafés and restaurants, primary schools, secondary school with attached concert venue and cinema. A significant range of facilities are similarly found in Bishop's Stortford.
- 3.11 In addition to Newport, some of the smaller villages nearby including the settlements of Debden, Henham, Quendon, Rickling Green and Ugley, cumulatively offer facilities and amenities to the rural communities, such as convenience stores (incl. post office services), pubs, restaurants (with delivery service to Widdington) and recreation eg bowls/cricket clubs. Nearby 'Debden Barns' (3.6km north-west) is a rural retail facility offering homeware products (eg antiques, curtains/blinds, kitchens), café & delicatessen, therapy rooms and aesthetic clinic. Other settlements of note slightly further afield include Stansted Mountfitchet, Elsenham, Clavering and Thaxted which together have a good range of facilities and amenities serving the rural communities, including Widdington.
- 3.12 In terms of local employment, the largest employer in the area is London Stansted Airport. Apart from the employment offered at the airport, there are a number of related secondary employment activities such as aviation companies plus tertiary services including hotels, bed and breakfast, taxis, car hire, restaurants, etc. Other major employment is available in Cambridge, Harlow and London, lying along the M11 corridor and accessible by train services. Nearby railway stations at Newport, Audley End, and Bishops Stortford are served by regular public transport from Widdington High Street, just a short walk from the site. Details of public transport follow below.

### Public Transport

- 3.13 Stephenson's of Essex operate public transport in the form of the 301 Bus Service, from Widdington High Street. Reference should be paid to the submitted **Bus Timetable – 301 Service**.
- 3.14 This is a **6 days per week, hourly public service operating from Monday to Saturday**.
- 3.15 **It operates between 11 and 12 services per day**, with various stops including Bishops Stortford (Interchange), Newport and Saffron Walden and various villages en route. Key stops include:
- Bishop's Stortford, Interchange
  - Bishop's Stortford, Riverside
  - Stansted Mountfitchet
  - Quendon
  - **Widdington, Fleur-de-Lys**
  - Newport, Station Road
  - Newport, High Street

- Saffron Walden County High School
- Audley End, Railway Station
- Saffron Walden, High Street
- Saffron Walden, Hospital
- Saffron Walden, Tesco

3.16 The earliest service from Widdington is 0803 hours which arrives adjacent Newport Railway Station at 0810 hrs and outside Audley End Railway Station at 0815 hrs. These times allow for connecting commuter trains which arrive, for example, at Bishops Stortford (0828 hrs), Harlow Mill (0836 hrs), Harlow Town (0840 hrs), London Liverpool Street (0920 hrs) and Cambridge (0855 hrs). For train schedules run by Greater Anglia, reference should be paid to the **Cambridge to London Liverpool Street Train Timetable**.

3.17 The last bus service in the evening to Widdington leaves from Newport Railway Station at 1935 hrs and Audley End Railway Station at 1940 hrs, arriving Widdington at 1945 hrs. These times mean that early evening trains (connecting by bus to Widdington) can be taken for return commuting journeys from London Liverpool Street (1837 hrs), Harlow Town (1838 hrs), Harlow Mill (1841 hrs), Bishops Stortford (1914 hrs), and Cambridge (1850 hrs).

3.18 The bus service is therefore highly valuable to the rural community as it connects to important facilities such as:

- Railway stations at Newport (3.2km distant by road) and Audley End, in turn giving rail access to London, Harlow, Bishops Stortford and Cambridge
- Secondary Schools in Newport, Saffron Walden and Bishops Stortford
- Various retailing, Health and Leisure facilities in Newport, Saffron Walden and Bishops Stortford
- Tesco supermarket, Saffron Walden (although food retailers offer home delivery services)

3.19 Whilst the 301 bus service has been under review in previous years, **reassurances have been given to the community by the bus company about the future of the service**. The minutes of the 7<sup>th</sup> January 2021 Widdington Parish Council meeting report some positive news stating:

*Simon Crump, Safe Driving Manager at Stephenson's Buses introduced himself, Ben Richardson and Richard Gascoine, also from Stephenson's, and confirmed their intention to reassure the Parish Council and residents that they have no intention of curtailing the bus service and wish to reach an agreement on where is the safest place for the bus to turn*

3.20 The minutes further cite the following:

*Chair Orr noted that the Parish Council wish to preserve the bus service and will do whatever is necessary to maintain it*

3.21 To this end, appropriate residential developments lying along or close to the Widdington bus route, if supported, approved and implemented, could be potentially help maintain the 301 bus service by generating a potential additional pool of customers.

## New Housing Development in Widdington

- 3.22 There have been several successful planning applications for new build dwellings in Widdington in recent years, which help to demonstrate the general acceptability and sustainability of the locality in respect of accommodating minor housing developments.
- 3.23 Of particular note is the cluster of new housing developments granted planning permission at three sites which lying next to each other at Midsummer House, Pond Mead and Pond Mead Cottage. This cluster of sites lies to the north of the village (Springhill, off High Street) *outside the settlement boundary*.
- 3.24 The planning permissions which have been granted in this cluster have allowed an increase from 2 houses to 7 houses, ie a net increase of 5 houses at one location (noting the application scheme proposes 4 dwellings).
- Midsummer House – permission for demolition of bungalow and redevelopment with two new houses - application UTT/20/1213/FUL. Net increase in housing = 1
  - Pond Mead – subdivision of house into 2 dwellings plus two new build dwellings. Net increase in housing = 3
  - Land at Pond Mead Cottage - permission for one dwelling – application UTT/20/0029/FUL. Net increase in housing = 1.
- 3.25 It will be noted that Midsummer House was originally a bungalow (which was not replaced) and comment on the lack of bungalows and how the proposals address this is made later in this statement.
- 3.26 Further detail of these development are shown in the summary table below:

Site	Proposal	Application	Decision Date
Midsummer House High Street Widdington CB11 3SB	Demolition of existing dwelling and outbuildings and erection of 2 no detached dwellings including one new access, parking and garaging	UTT/20/1213/FUL	11.08.2020
Land At Pond Mead Cottage High Street Widdington CB11 3SB	Erection of 1 no. detached dwelling	UTT/20/0029/FUL	18.06.2020
Pond Mead High Street Widdington CB11 3SB	Subdivision of existing house into two dwellings and the construction of two new dwellings in the grounds including a new vehicular crossover, access and refurbishment of the front boundary wall.	UTT/18/3279/FUL	22.03.2019



- 3.27 Given the above, there is little argument that merely new 4 dwellings proposed at the application site could be deemed unacceptable in respect to access to services and facilities, when the LPA has granted this cumulative cluster of 7 new dwellings (net increase of 5 dwellings).

[Conclusion regarding Sustainability of the Location](#)

- 3.28 Given all of the above there should be no doubt that Widdington, wherein the application site lies, is a reasonably sustainable location suited to the proposed minor scale of housing development ie merely four new dwellings.

## 4.0 THE PROPOSED DEVELOPMENT – DESIGN AND ACCESS STATEMENT

4.1 The proposal drawings in this application include:

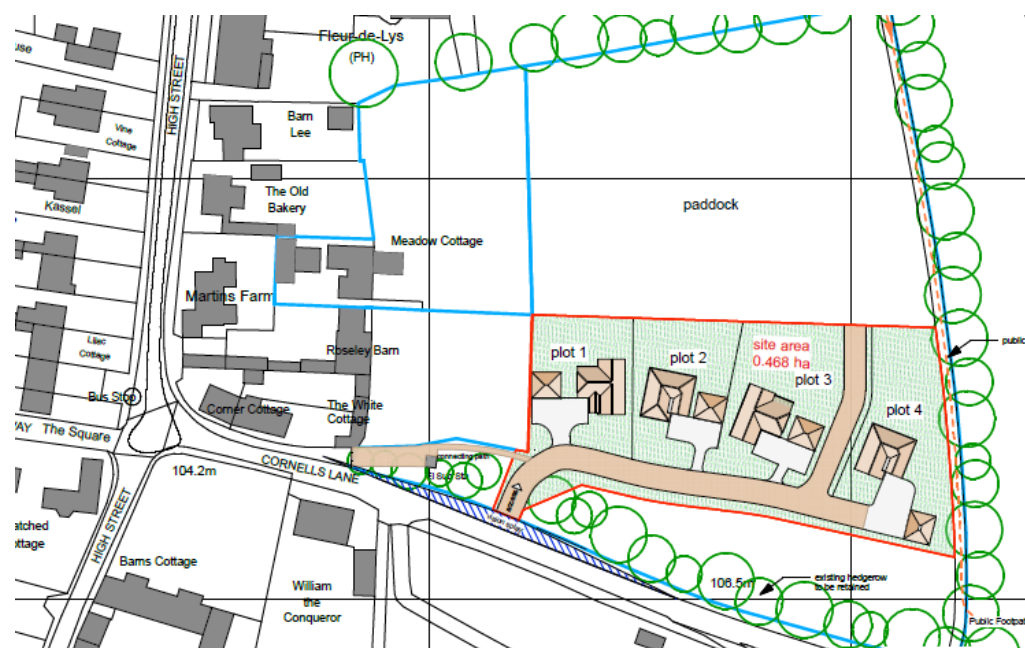
- Drawing No: P 5004-03 Rev A – Location Plan
- Drawing No: P 5004-10 Rev B – Proposed Site Layout Plan
- Drawing No: P 5004-11 Rev A – Proposed Floor Plans
- Drawing No: P 5004-12 Rev A – Proposed Elevations (Side Elevations – Plots 1 & 4)
- Drawing No: P 5004-13 Rev A – Proposed Elevations (Side Elevations – Plots 2 & 3)
- Drawing No: P 5004-14 Rev A – Proposed Elevations (Front & Rear Elevations, Plots 1, 2, 3 & 4)
- Drawing No: P 5004-15 Rev A – Proposed Sections
- Drawing No: P 5004-16 – Infrastructure Layout
- Drawing No: P 5004-17 Rev A – Soft and Hard Landscaping Details

### Scheme Evolution

4.2 The planning application is a detailed proposal and has been made taking particular account of:

- constraints and opportunities arising
- professional consultant advice in relation to access, trees, heritage, energy and sustainability
- Uttlesford DC's Climate and Ecological Emergency, declared in 2019
- planning history, in relation to LPA or appeal decisions made on other applications

4.3 In 2015, a 'pre-application' exercise sought to establish planning officers' views on the prospects of development. Optional preliminary schemes involved the use of whole paddock for a low density development of 12 no. dwellings with an access off Cornells Lane closer to the High Street end. Another scheme (shown below) was put forward concerning 4 no. dwellings with similar access, using only a southern part of the paddock. This was partially similar to the current application proposal.



*Pre-Application scheme for 4 dwellings, 2015 on part of the paddock, which planning officers noted had scope for development.*

4.4 In providing their pre-application written opinion on 27<sup>th</sup> January 2016, planning officers stated in their written response that, subject to satisfying policy requirements,

***“there may be scope for development at the site..”***

4.5 Given a reasonably positive response, the landowners then engaged with an Essex based bespoke housebuilding company to move forward with a planning application proposal. The developer carried out another pre-application exercise with the LPA in 2017, regarding development of the *whole* paddock for 17 no. dwellings. The LPA provided a written response on 5<sup>th</sup> January 2018, identifying policy and technical issues which would need to be addressed and concluded that a planning decision will likely depend upon the degree of harm to countryside character. Officers noted that, *“the proposal accords with the more up-to-date policy at paragraph 55 of the NPPF, which supports the growth of existing settlements. The proposed development would be physically and functionally connected to the village of Widdington”*.

4.6 Accordingly, a planning application (ref: UTT/18/0885/FUL) was then made on the *whole paddock* in 2018 for 20 no. dwellings and a new access proposed, sited fairly east along the site’s Cornells Lane frontage. It broadly followed the principles of the pre-application scheme for 17 no. dwellings. This application, shown below, was however refused by the LPA and subsequently dismissed on appeal.



UTT/18/0885/FUL – 20 dwellings on the whole paddock and estate road junction to the east side of the road frontage

4.7 The LPA refused the application on 16<sup>th</sup> October 2018 citing: (1) the proposed development would have a harmful ‘urbanising effect’ on the rural character of the site, the historic character of Cornells Lane and the rural setting of Widdington, its conservation area and listed buildings; (2) the proposed development would result in a significant increase in the number of journeys made by car rather than sustainable modes of transport; and (3) the application does not include a mechanism, such as a S106

legal agreement, to secure sufficient affordable housing, equating to 40% of the total number of dwellings.

4.8 Following the LPA’s refusal of the scheme for 20 no. dwellings, the developers made another planning application (UTT/19/2623/FUL) again on the *whole paddock* covering its south to north depth but this time for 15 no. dwellings and with more open space to the east side.



UTT/19/2623/FUL – 15 dwellings on the whole paddock with increased open space and estate road junction to the east side of the road frontage

4.9 The LPA also refused this application of 3<sup>rd</sup> March 2020, citing similar reasons for refusal as the 20 unit scheme, this also following the dismissal of an appeal on 30<sup>th</sup> January 2020 against that larger development proposal.

4.10 The appeal inspector considered issues of ‘character and appearance’ regarding the 20 unit scheme. He opined that the paddock (as a whole) provided a ‘transition’ from the rear gardens and amenity land adjacent to the west and the agricultural fields and open countryside to the east. He stated that the paddock was part of the rural setting of Widdington and the introduction of 20 units onto the whole paddock as an undeveloped site with associated garaging and cul-de-sac layout would result in the *suburbanisation*. The inspector considered that a comparatively *large estate of 2 storey housing*, although with some screening from the east, would be *starkly visible* and of an overall scale and disposition that would harmfully encroach above and across the skyline and would jar with their lower, *more modest scale* and the *linear character* and pattern of the village. Such visual effects, the inspector opined, would be particularly evident on the approach up and down Cornell's Lane, from its entrance and *through the site’s comparatively wide access* and from a *number of viewpoints from the*

*surrounding PROW network* closer to the site. In respect of *heritage issues*, the inspector considered that the overall paddock was an important component of the setting of a number of listed buildings and the Conservation Area and accessed from a Cornells Lane, a non-designated asset. The 20 unit, 2 storey housing development with large access off Cornells Lane was stated to harm the significance of these by virtue of such development within their setting.

4.11 Accordingly, the current application has addressed the inspector's identified concerns:

- The site no longer comprises the whole paddock (over 1.3ha) but only the southern part (0.48ha). This will retain much of the current paddock as the '*transition*', connecting west to east, which the inspector referred to.
- It will not provide a *large estate of 2 storey housing* but instead a development of *more modest scale* (ie 4 dwellings) and also one which follows the *linear character*.
- The current application will not *be starkly visible* given the reduction in development, existing screening, significant new planting and other screen measures
- There is no longer a proposal for *a comparatively wide access* (which comprised an estate road and footways either side)
- *Views from the surrounding PROW network* have been restricted by the recent erection of fencing to the east side of the paddock (a further section awaiting completion)
- The impacts upon heritage issues and character have been positively addressed and mitigated by: the much reduced area of site; the reduction in development amount and scale of housing; the altered position and less wide access; and other measures.

#### Use and Amount

4.12 The planning application seeks approval for a residential use of part of the overall paddock, involving 4 no. dwellings, these being three houses and one bungalow.

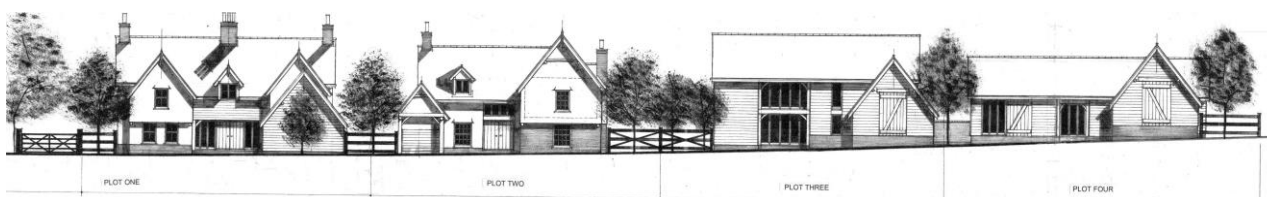
4.13 The proposed dwellings at Plots 1, 2 and 3 are three bedroomed dwellings, this size of dwelling being the highest need in Uttlesford. The 2015 Strategic Housing Market Assessment (SHMA), completed for the UDC Local Plan, assessed the housing mix and tenure in terms of number of bedrooms for market and affordable housing. It was concluded that the greater demand for market housing is for 3 and 4 + bedroom houses. The application therefore addresses the identified District needs.

4.14 Plot 4 will comprise a 2 bedroomed bungalow, to take account of an aging population and allow those of advancing years, whether still working or retired, to downsize or remain in the village with a dwelling more suited to their current or emerging needs. There have been no new build bungalows constructed in Widdington village for many years, to the applicant's knowledge. Recent approved planning applications in the village have led to the loss of bungalows in favour of executive style housing, such as at Midsummer House (High Street), Churchview (bungalow replaced with 4 no. 3 storey 5 bed houses) and Meadowcroft, Church Lane (chalet bungalow replaced with larger house). The application proposals should therefore be seen as a welcome addition as, almost uniquely to Widdington, they will provide a bungalow, as well as smaller scale housing meeting SHMA identified requirements.

- 4.15 The locality of the site includes dwellings and residential land uses along High Street (west), Cornells Lane (south) and beyond the site further north (Church Lane). Such context would indicate that a residential use, with a small number of high quality dwellings, is appropriate in this locality and would complement the prevailing local residential character.

### Scale

- 4.16 Assessment of nearby storey heights indicates a mix of storey heights but predominantly comprising 2 storey dwellings, these also include those properties designed in 'chalet style' form (ie with first floor accommodation contained in the roofspace). To minimise potential visual impacts, it is considered that the chalet style (1½ storey) dwellings, along with the one bungalow proposed, would be of appropriate scale taking account of other properties in the locality and rising land form from east to west.
- 4.17 The scale of the dwellings has been subject of further review. The heights of the dwellings are shown lower than the scale of those proposed in the previously withdrawn application scheme, where the dwellings reached circa 10m in ridge height. The current scheme shows that the dwellings at Plots 1, 2 and 3 (1 ½ storey homes) are 7.4m, 7.4m and 7.2m respectively in height to the ridge and Plot 4 (bungalow) is 5.5m high to its ridge. Plots 1 to 4 have also been compared to those most southerly four dwellings proposed in the 20 unit appeal scheme, which were of similar broad siting but ridges shown higher at 8.5m (Plot 1), 8.6m (Plot 2), 8.9m (Plot 19) and 8.9m (Plot 20). In each case the dwellings now proposed at plots 1 to 4 are notably lower in ridge height. Similarly, eaves heights are lower.



*Plots 1-4 were shown of a larger scale and height (reaching 10m) in the previous withdrawn application, UTT/20/2193/FUL*



*Current proposal – Plots 1-4 are reduced in scale, height and bulk. Note they are lower in ridge height than the four frontage dwellings in the appeal scheme (20 dwellings).*

### Design and Appearance

- 4.18 Plots 1 to 3 are designed as traditional style cottages. Plot 4 forms a 'barn style' single storey dwelling, to reflect an agrarian nature of the farmland lying beyond the eastern end of the site.
- 4.19 The dwellings have been designed to eschew a high quality design fitting with the traditional rural North Essex character of the area. Widdington itself displays an eclectic and varied mix of property designs. The proposals would add to local design character through the use of high quality materials and vernacular features.

- 4.20 Proposed key materials of the proposed dwellings will be taken from a palette including:
- soft red brick with lime rich mortar
  - conservation colour painted sand cement render
  - black timber weatherboarding
  - clay plain tiles
  - clay pantiles
  - natural slates.
- 4.21 Design features of the proposed dwellings include:
- softwood narrow module casement windows with glazing bars painted in a conservation colour
  - softwood box sash windows with glazing bars painted in a conservation colour
  - Softwood feature windows painted in a conservation colour
  - glazed gable features overlooking the retained paddock
  - timber doors painted in a conservation colour
  - exposed rafter feet stained black
  - chimneys
  - conservation style rooflights
  - aluminium guttering and downpipes
- 4.22 The properties at Plots 1 to 3 are designed to meet family requirements, whereas the bungalow at Plot 4 is suited for downsizers. Each property includes a study (home office) within each dwelling to reflect the increasingly popular home-working concept and add to the scheme's sustainability credentials.
- 4.23 The dwellings are designed to ensure they are adaptable and accessible. Turning circles for wheelchairs are indicated on the floorplans. Plots 1, 2 and 3 are shown with an area for a potential vertical lift to allow future access to the first floor for the less mobile or disabled.

### Layout and Landscaping

- 4.24 The layout is purposely shown in a linear form to reflect the LPA's pre-application advice in 2016 and take account of the inspector's comments concerning the *linear character and pattern* of the village.
- 4.25 The dwellings are arranged facing Cornells Lane which runs along the southern boundary. They will be served by an internal private driveway running broadly parallel with Cornells Lane but separated from it by existing vegetation and significant new tree planting.
- 4.26 All of the dwellings are arranged with spacious garden and curtilage areas for private amenity, well in excess of the usually expected 100sqm minimum gardens. The plots will have plenty of space for refuse recycling storage. Plots widths are also generous, allowing good space between the dwellings to negate privacy, overlooking or overshadowing issues arising.
- 4.27 The driveway allows for individual accesses to each plot, these being provided with adequate parking areas and turning. These will have appropriate hard surfacing, proposed in permeable paving. Cart lodges and covered stores provide for cycle storage.

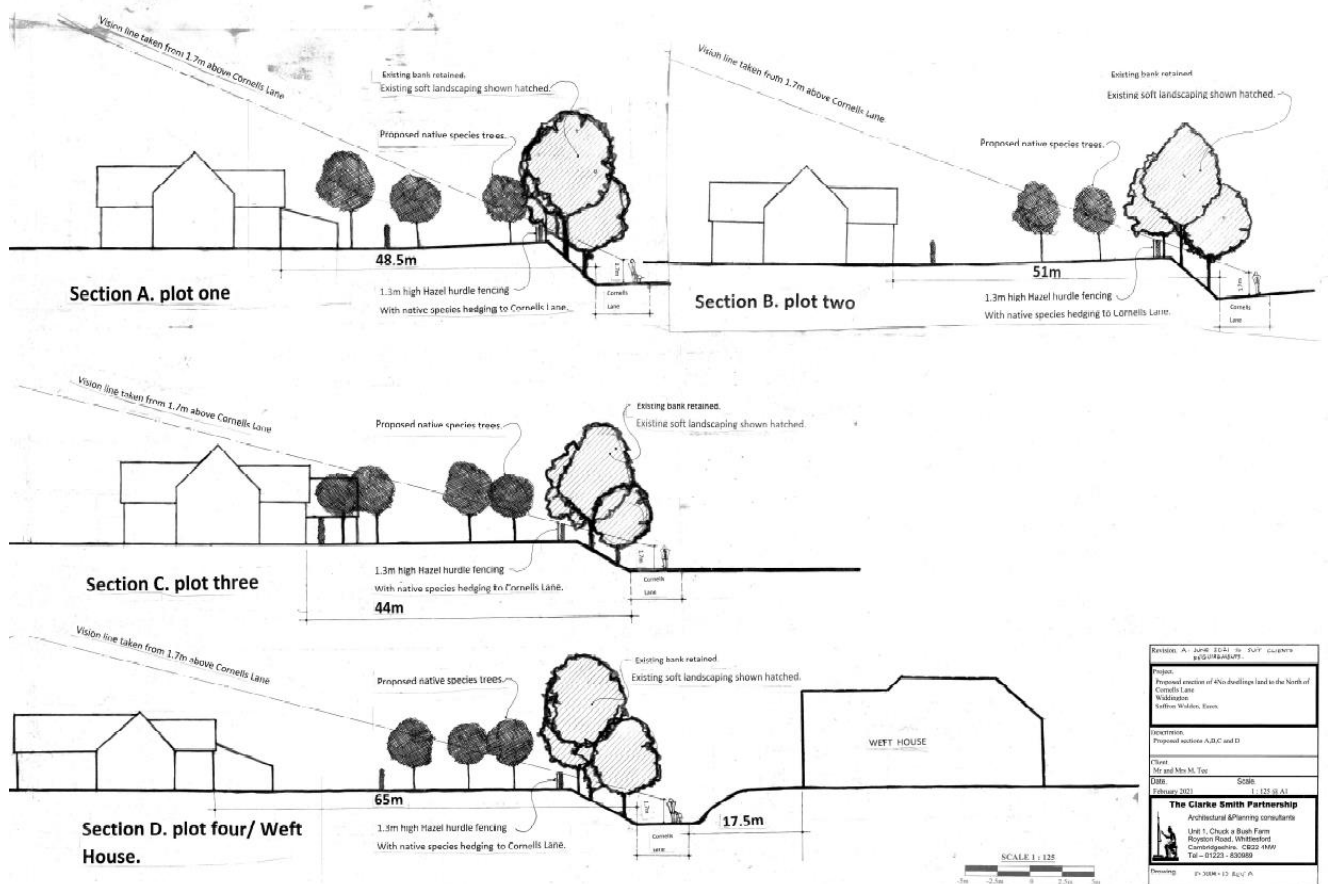


*Proposed linear layout, facing towards Cornells Lane, served by private driveway with new permissive footpath linking to High Street and public rights of way. Spacious plot will be contained by existing and new vegetation, including an ecology area*

- 4.28 A permissible footway link is proposed running east to west through the site. This will connect the PROW network to the east (Cornells Lane to Church Lane) to the High Street and provide a safe route for pedestrians, noting that no separate footway exists along Cornells Lane where fronting the site. The western section of the new footpath will utilise the existing paddock maintenance access, being provided with a suitable hard surface, linking to the adopted footway running alongside Cornells Lane close to the High Street junction.
- 4.29 Due to the need to accommodate existing trees along Cornells Lane, a new link footpath, new vegetation and the private drive, the dwellings are set back a significant distance from the road frontage, ranging from 20m to 29m approximately.
- 4.30 The siting respects residential amenity, with the nearest dwellings being some distance away from Plot 1, including White Cottage (at 48m), Roseley Barn (45m), William the Conqueror (53m). Weft House is closest to Plot 4 and is sited 42m distant.
- 4.31 The dwellings are shown to sit comfortably in relation to existing boundary features. A gap west of Plot 1 is retained for a maintenance access to the paddock, with the paddock remaining of a size suitable to accommodate at least one horse based on British Horse Society recommendations of a ratio of one horse per 0.4 to 0.6 hectares on permanent grazing (ie 1.0 to 1.5 acres per horse). New physical boundaries (eg post and rail fences) would be created to define the plots along with native mix landscaping.



- 4.32 A substantial new ecology area (circa 0.12ha/0.29 acres) is shown to be provided to the north of the site within the retained paddock land, this provided for Biodiversity Net Gain. The area would be provided with appropriate post and rail fencing. Further details are set out below.
- 4.33 The soft landscaping drawing shows the intention to provide a significant number of new trees and hedgerows. Apart from the access incursion, no trees will need to be removed to accommodate the development. However, there are opportunities to replace trees dying/diseased trees in accordance with arboricultural recommendations, for long term benefit. In particular, along Cornells Lane, the green tunnel effect can be enhanced. Tree protection measures have been recommended to prevent damage to trees during construction.
- 4.34 In terms of service infrastructure, it is proposed to ground (at some cost) the electricity apparatus which crosses the site, for visual amenity. The dwellings include photo voltaic panels and air source heat pumps for electricity and heating provision, as well as electric vehicle charging points. Foul drainage connection can be made to the existing sewer in Cornells Lane.
- 4.35 A 1.3m high hazel hurdle fence is proposed toward the southern part of the site, with immediately hedgerow in front plus additional tree planting behind. These arrangements would ensure that the dwellings would not be visible when viewed perpendicular to Cornells Lane, as demonstrated in the cross section drawings.



Cross section drawing showing that the dwellings would not be visible from Cornells Lane at these points

- 4.36 The potential impacts upon existing vegetation have been considered. The submitted **Arboricultural Impact Assessment Report** comments as follows:

*There are no requirements to remove, or prune trees due to the proposal except for a group of patchy elm, blackthorn and elder scrub (c.6m high) for the proposed access. The only other removals recommended are for safety reasons. A low quality hedge adjacent to the eastern boundary (SHA H1) will need to be cut back to provide clearance for the footpath.*

*Trees to be retained will be protected during works, and arboricultural methods statements will be used where indicated in this report. Site supervision will take place at key stages.*

*Development provides an opportunity to bring the tree and hedge population into active management and to enrich the planting of the site by introducing additional native trees and shrubs and thickening the boundary planting. The new planting proposed, and the retention of the majority of boundary trees provides a significant uplift on tree numbers, diversity of species and provide canopy cover on an area of currently open ground. The new planting on the roadside in particular will enhance the 'green tunnel effect' which is has 'an important aesthetic significance' as cited from the planning inspectors report on the previous appeal.*

***This scheme will have a positive arboricultural impact.***

#### **Access**

- 4.37 The proposed vehicular access to the site would require an incursion within Cornells Lane. Its location differs from the previous refused schemes. The location uses a low part of the bank to Cornells Lane, also where the vegetation at this point is of low quality. In the appeal scheme the significantly larger access was proposed much further east along Cornells Lane where it is deeply incised, which is not the case in terms of the currently proposed access location.
- 4.38 The access requires 2.4m by 43m visibility splays, based on the speed zone and prevailing speed of traffic which has been surveyed. Long sections show that these splays are achievable *without further removal of the bank* along Cornells Lane to create them.
- 4.39 As the access is only to serve a small development, it is proposed as a 'private drive', which will act as a shared surface for pedestrians and cars throughout its length. In addition, there will be a separate permissive footpath link, as previously stated, as an alternative safe route for all who currently walk along the carriageway of Cornells Lane.
- 4.40 Unlike the appeal scheme for 20 dwellings (and the 15 unit scheme), an estate road access, complete with footways either side, is therefore not required. This approach minimises the width of the access incursion. Furthermore, given the proposed access siting at the lower part of the bank, significantly less volume of earthwork removal (and resultant impact) will be necessary, in comparison to the appeal scheme.
- 4.41 The access will meet highway requirements with a 5.5m width for the first 10m, radii kerbs and suitable gradient, as designed by highway consultants. It has also been designed to accommodate the manoeuvres of fire tenders, as well as the large refuse vehicles used operated by Uttlesford DC. The

private drive incorporates a turning head allowing such vehicles to turn on site and enter the highway in a forward gear. Apart from the access works, no further works would be necessary within Cornells Lane eg to accommodate vehicle entry and exit, or visibility splays.

4.42 The submitted **Access Assessment** concludes as follows:

*The proposed development will comprise the provision of 4 dwelling units, together with the creation of a private drive access to Cornells Lane itself.*

*The observed speeds of traffic on Cornells Lane are assessed and have been taken into account in the preparation of this statement. The required and available vehicle to vehicle visibility splays on both sides of the proposed new access are examined, and the implications in terms of bank reprofiling are assessed.*

*The proposed access arrangements are assessed against Policy GEN1 (Access) of the Uttlesford Local Plan and the Essex Design Guide for this type of private access drive. In light of the findings of the access assessment, the proposed splay arrangements are considered appropriate for this location. The assessment of the access design, the gradient, splay provision and swept-path analysis to accommodate a refuse and fire tender have all been completed in accordance with, and with due regard to, the requirements of the Essex Design Guide for a type H private access drive.*

*As an integral part of the access provision, the existing access to the site in the south-western corner of the site will be retained as a pedestrian-only access route into the development, connecting the site to surfaced footways leading to High Street and linking to the network of public rights of way network further east. The access currently serves the electricity substation but this would be served from the site's new vehicular access and provided with a dedicated parking space for a service vehicle.*

***It is therefore concluded that the proposed access arrangements will be suitable to serve the proposed residential development.*** *The assessment of this private drive access, to serve 4 dwellings, has been undertaken as required to serve a development of this quantum and type, with due regards to Policy GEN1 (Access) of the Uttlesford Local Plan, the Essex Design Guide for this type of private access drive and the findings of the Local Highway Authority in respect of previous proposals for this site.*

#### Ecology

4.43 The proposals have carefully considered the potential impacts upon biodiversity, including measures intended to provide significant net biodiversity gain.

4.44 All significant impacts on biodiversity, including potential adverse impacts upon specific protected species, habitats and designated sites can likely be wholly mitigated, based on the detailed findings of the PEA.

4.45 Various measures for mitigation and enhancement will be delivered. Mitigation will include new planting, provision of bird and bat boxes, retained grassy margins to hedgerows, hedgehog highways.

4.46 **Of special note regarding enhancement is the proposed provision of an ecological area measuring 0.12 ha (0.29 acres)** comprising part of the 2 acres of retained paddock land immediately north of the site, which would be created to include a pond, log piles and significant planting. The grasses in the ecological area would be managed with a relaxed mown regime. A planning condition would secure delivery and management of this off site ecology area.

4.47 The Executive Summary of the submitted **Preliminary Ecological Appraisal (PEA)** states:

1. *This report presents the results of a preliminary ecological appraisal undertaken at Land off Cornells Lane, Widdington, in Essex (referred to herein as ‘the site’). The purpose of this report was to provide an assessment of the potential ecological impacts of the proposed development plan, and advise appropriate mitigation measures and further surveys, where necessary.*
2. *The site is approximately 0.48 hectares and comprises part of a single grassland field. Field boundaries include species-rich hedgerow on the southern border and wooden fenceline recently installed close to the eastern boundary separating a footpath from the site.*
3. *There are two Sites of Special Scientific Interest (SSSI) within 5km. The closest Local Wildlife Site (LWS) is High/Priors Wood LWS located 0.5km south-east of the site.*
4. *The site offers some opportunities for foraging and commuting badgers *Meles meles*. No setts were found however the site offers future sett-building opportunities. Precautionary measures during construction will need to be implemented to prevent disturbance to badgers and their setts and injury/death to badgers during the construction phase.*
5. *The site has potential for foraging and commuting bats. The boundary hedgerows are being retained within the final development. Sensitive lighting recommendations have been provided.*
6. *Common bird species are likely to use boundary habitats for nesting. As such, it is recommended that any vegetation clearance should be undertaken outside the nesting season (March to August, inclusive) or once an ecologist confirms absence of active nests.*
7. *The grassland within the development zone is being maintained at a low sward height to deter usage by foraging, commuting and hibernating great crested newts (GCN) and reptiles. As the site is being kept to a low sward height and due to the small amount of habitat suitable for GCN being lost and the distance of the surrounding ponds from the site, it is considered unlikely that GCN will be impacted by the proposed development.*
8. *Enhancements for biodiversity will include bat and bird boxes, planting up of hedgerows with native species, planting of new hedgerows, and the establishment of grassy margins which are managed for wildlife. The adjacent grassland area to the north is being enhanced as an ecology area. Along with additional planting, it will have log piles, a small pond added and will be subject to a relaxed mowing schedule to increase its value for wildlife.*
9. *It is considered that **all significant impacts on biodiversity, including potential adverse impacts upon specific protected species, habitats and designated sites can likely be wholly mitigated** and there is*

*abundant scope within the proposal to enhance the ecological value of the site. **The proposals are predicted to provide a notable biodiversity net gain.***

- 4.48 The above addresses Uttlesford DC's declared Ecological Emergency and relevant criteria of its Interim Climate Change Policy.

#### **Sustainability: Climate Change and Energy Efficiency**

- 4.49 The application proposals have been designed to address the Climate and Ecological Emergency declared by Uttlesford DC in 2019 and more recent Interim Policy regarding Climate Change (February 2021). Input has been received from Abbey Consultants (Southern) Ltd, a specialist environmental and energy consultancy. They have advised on the design proposals and provided reports in the form of an Energy Statement and Sustainability Statement.

- 4.50 In respect of energy efficiency, improvements will be made to fabric efficiency well above standard requirements in order to reduce energy demand. Furthermore, each dwelling is proposed with an air source heat pump and photo voltaic panels. These measures are in line with professional recommendations and will mean that the **development would save over 5 tonnes per annum of carbon dioxide emissions to the atmosphere**, compared to a development built to standard building regulations. The energy measures can be secured via planning conditions.

- 4.51 The submitted **Energy Statement** concludes as follows:

The proposed energy strategy achieves and meets the following requirements:

- Complies with Part L 2013 building regulations (with 2016 amendments) and shows a **60.95% carbon saving over a Building Regulations baseline (TER)**
- **Exceeds Uttlesford DC's 19.00% minimum reduction on the dwelling (carbon dioxide) emission rate (DER)** against the Target Emission Rate (TER) of 2013 Building Regulations, as required in Uttlesford District Council's Interim Policy 12
- **Saves 5.11 tonnes of carbon per year over a gas baseline**
- **Shows a 41.85% carbon saving over a gas baseline**
- **Total energy saving of 74.15% compared to a Building Regulations baseline (TER).**
- Includes improved optimal building fabric improvements, energy efficient design of building services
- **An energy saving of 35.16 MWh/year is to be achieved through the inclusion of individual Air Source Heat Pumps and 7.5 kWp of PV across the scheme**
- Includes improved optimal building fabric improvements and energy efficient design of building services
- Exceeds the TFE minimum reduction requirements by 16.74%.

- 4.52 The sustainable design of the development has considered numerous factors. These include:

- Reducing carbon dioxide through renewable energy and reduced energy demand, including fabric improvements, solar panels, and air source heat pumps
- Water Conservation Measures

- Flood Risk
- The use of recycled, responsibly sourced and sustainably manufactured building materials
- Waste and Recycling
- Landscape Design
- Ecological measures, including a substantial off site Ecology Area in addition to on site ecological measures
- Promoting sustainable travel choices eg Electric Vehicle Charging Points, Home Working facilities, new footpath linking the site to High Street bus stops and provision of Travel packs with vouchers for use on public transport

4.53 The submitted **Sustainability Statement** concludes as follows:

*The proposed development is for the erection of 4 no. detached dwellings and associated works. The development site is located immediately north of Cornells Lane in the village of Widdington, which is located within the district of Uttlesford.*

*Sustainability is at the heart of the proposed application and has been considered from the outset.*

*The proposed strategy has been based around the objectives of the Uttlesford District Council's Local Plan (2005) and the Interim Climate Change Planning Policy (2021) documents.*

*Resource and water efficiency have been maximised, whilst the production of waste and pollution is to be kept to a minimum, ensuring the impact of the proposals on its surroundings and the environment is reduced.*

*By designing to rigorous energy standards and ensuring the dwellings are capable of adopting future technology, the application will respond directly to the Uttlesford District Council's policies as it targets to significantly reduce carbon dioxide emissions over the Building Regulations 2013 Part L requirements.*

*The proposed residential units will be designed to reduce their CO2 emissions by 60.95% below the Building Regulations 2013 (TER) minimum requirements. **This equates to a saving of 5.11 tonnes of CO2 per year** and will be achieved with the use of a highly efficient building fabric, individual ASHPs and the installation of 7.5 kWp of photovoltaic cells (PV).*

*Crucially, these measures will also make sure the proposed development is future proofed and capable of adapting to the move towards a low carbon economy.*

*The proposed residential development will meet a local housing need in the area by providing a distinct and highly sought-after residential development as well as supporting the local economy.*

*Every dwelling will be provided with water conservation measures to make efficient use of potable water to meet everyday needs. A specification has been detailed within the Water Conservation section which will ensure that internal water consumption within the dwellings will be limited to 110 litres per person per day. This is in line with Interim Policy 3 of Uttlesford District Council's Interim Climate Change Planning Policy (2021) document.*

*The site is not at risk of flooding (Environment Agency Zone 1). Permeable surfaces for sustainable drainage are proposed to the private drive and individual plot turning areas.*

*The use of recycled, responsibly sourced and sustainably manufactured building materials for the main building elements ensures materials are sourced locally wherever practicable and that most of the key construction materials have been specified to have a low environmental impact throughout their life-cycle.*

*The site will be constructed with minimal waste production, making efficient use of materials; waste that is generated during the construction process will be subject to strict waste management procedures, with high levels of recycling. Every unit is provided with internal waste recycling facilities to encourage and enable all residents to recycle their municipal waste. The 5 step waste hierarchy will be followed:*

- *Eliminate Waste*
- *Reuse waste materials*
- *Recycle/compost waste materials*
- *Recover energy*
- *Disposal to landfill*

*The landscaping strategy provides a harmonious integration with local ecological features as well as protecting habitats for existing wildlife through the planting of native species of trees and shrubs. It will include:*

- *Mixed hedgerow to all boundaries;*
- *Hedge planting to include Hawthorn, Hazel, Blackthorn, Dog Rose, Crab Apple, Field Maple and Dogwood;*
- *Bird nesting boxes and bat boxes throughout the site;*
- *A number of hedgehog highways will be installed to fences/hedgerows;*
- *Selection of fruit trees within garden areas;*
- *Selection of plants that rely on limited water for establishment;*
- *Selection of local plant materials to minimise transport footprint;*

*A new 0.29 acre ecological area will be provided to the north of the site. This area is to be planted with trees and wild flowers within the grassland. An ecology pond with a bog area will also be created for wildlife. The pond will provide a 'beach' area for access for wild birds and other animals. The new ecological area will increase wildlife to the locality by increasing habitat.*

*A new pedestrian footpath will also be provided along the southern edge of this site. This will give pedestrian access from Cornells Lane into the village.*

- 4.54 The Sustainability Statement's Appendix A provides a useful summary of the applicant's proposals in response to the 14 policies of the Interim Climate Change Policy. From the information provided, it will be seen that the applicant has given due consideration to issues concerning sustainability for this minor housing scheme, which will address the council's Interim Climate Change Policy and declared Climate and Ecological Emergency.

## Heritage

4.55 Advice has been sought from a heritage consultant, which has informed certain aspects of the design and layout. The proposals have taken account of heritage assets, including the Conservation Area setting, the setting of listed buildings and the Protected Lane. The professional assessment has reviewed comments made by the Appeal Inspector concerning the larger site for 20 dwellings as well as comments from the council's heritage advisors on the withdrawn 4 dwelling application.

4.56 The Executive Summary of the submitted **Heritage Statement** concludes as follows:

*1. This Heritage Statement has been prepared by RPS to assess the potential impacts on the historic built environment arising from the proposed development of land at Cornells Lane, Widdington, Essex.*

*2. The Site is located adjacent to the village core, to the east side of Widdington, Essex. It is located almost exclusively outside of the Widdington Conservation Area, except for the south-west extreme of the Site, which includes a nib of highway land forming part of the existing maintenance access to the Site from Cornells Lane. The element of the existing access up to the access gates is located within the conservation area.*

*3. The remainder of the Site forms part of the setting of the Conservation area, together with four identified listed buildings within the Widdington Conservation Area. These are:*

- Church of St Mary the Virgin (Grade II\*; NHL 1238372)*
- Corner Cottage/The White Cottage (Grade II; NHL 1238374)*
- Martins Farmhouse and associated buildings (Grade II; NHL 1238383)*
- William the Conqueror (Grade II; NHL 1238376)*

*4. In addition, the Site includes part of Cornells Lane, a protected lane that has been identified by Uttlesford District Council as a non-designated heritage asset when considering previous applications seeking the residential development of the Site.*

*5. The Site has previously been subject of a recently withdrawn planning application for the construction of 4 dwellings. The current application provides numerous alterations from the withdrawn scheme, notably the reduction in scale of the proposed dwellings and improved landscaped proposals.*

*6. Prior to the withdrawn application, the Site was considered as part of a much larger area of land (encompassing the entire paddock) in two refused applications for 15 and 20 dwellings with the latter application the subject of an appeal.*

*7. This report demonstrates that the Site forms part of the setting of the Widdington Conservation Area and three of the listed buildings contained therein. It currently provides a degree of rural context and permits partial views into the conservation area. As such it makes a limited contribution to the historic interest of the conservation area and, to a lesser extent, its architectural interest.*



8. *The proposed development will slightly diminish this contribution, although the high quality design together with the embedded mitigation measures within the scheme which includes extensive open space and additional planting will minimise any such impacts.*

9. ***The proposed development will subsequently result in a very low level of less than substantial harm to the significance of the Widdington Conservation Area, due to the alteration of a small part of its rural setting and the slight change to the morphology of Widdington. In accordance with National Planning Policy Framework (NPPF) paragraphs 193 and 196 this harm must be given great weight, before being weighed against the wider public benefits of the proposed development. Furthermore the proposed development will result in a low level of harm to Cornells Lane, which has been identified by the Council as a non-designated heritage asset. This subsequently engages paragraph 197 of the NPPF.***

10. ***The significance of all listed buildings potentially affected by the proposed development will be preserved, in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.***

## 5.0 PLANNING POLICY AND MATERIAL CONSIDERATIONS

- 5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that the determination of an application for planning permission must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 This section of the report therefore sets out the key relevant planning policies at local and national level.
- 5.3 It also sets out other material considerations including amongst others the National Planning Policy Framework.

### The Uttlesford Local Plan (2005)

- 5.4 The relevant part of the Development Plan comprises the Uttlesford Local Plan, adopted in 2005.
- 5.5 The body of the site (ie excluding part of the existing site access) lies adjacent but outside of the settlement boundary, as shown on the Local Plan Proposals Map.
- 5.6 In terms of heritage designations shown on the Local Plan Proposals Map, the body of the site lies outside the Widdington Conservation Area, although the western tip (entrance to the existing access) lies inside. Also, Cornells Lane is designated as a Protected Lane, this running along the southern boundary of the site.
- 5.7 As the site mainly lies outside the settlement boundary, the site for Local Plan policy purposes is treated as Countryside to which Policy S7 applies. This states:

*The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. 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. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.*

- 5.8 The policy therefore dictates that should there be a need for the proposed housing development, it is shown to be appropriate to its context and will protect the character of the part of the countryside wherein the site lies. Whilst the site is undeveloped it lies at the edge of the village where residential properties and land uses form part of the local character.
- 5.9 Policy H1 confirms that the Local Plan proposes to provide 5052 dwellings for the period 2000 to 2011. The housing forecasts do not extend beyond 2011 and therefore the Plan is now *out of date* in this respect. In a recently allowed appeal decision (PINS ref: APP/C1570/W/19/3242550) dated 4 September 2020 concerning planning application UTT/19/0437/OP for up to 40 dwellings on land

south of Rush Lane, Elsenham, **the Inspector (DM Young) stated the 2005 Uttlesford Local Plan was 'painfully out of date'**. The appeal decision was made following a hearing held on 6 August 2020.

5.10 The inspector stated that,

*The Development Plan for the District comprises the "Uttlesford Local Plan" 2005 (the LP). This was adopted seven years before the original Framework at a time when there was no requirement to boost significantly the supply of housing, no requirement to identify an Objectively Assessed Need and no presumption in favour of sustainable development. The LP only covered the period to 2011 and consequently expired nearly ten years ago. As the Appellants point out, the LP has now been out of date for longer than it was in date.*

*As is made clear at the beginning of Section 6 of the LP, one of its key components was to deliver the housing requirements which were based upon those in the "Essex and Southend-on-Sea Structure Plan to 2011" and the "Regional Spatial Strategy for the South East of England". The LP housing requirements were derived from household projections which are now about three decades out of date. The policies in the LP, including settlement boundaries, allocations, were formulated and predicated upon the constrained supply set out in the Structure Plan. From the evidence I heard, it seems that most, if not all, the allocations in the LP have long since been built out. 16.*

*Based on the foregoing, there can be little doubt that **the LP is now painfully out of date in terms of its purpose, its strategy, its content and its housing delivery policies**. It does not meet the requirement for the Council to have an up-to-date plan and **it is clearly not a strong foundation upon which to refuse planning permission**.*

5.11 The council is in the process of preparing a new Local Plan. In the meantime, the council accepts that it is unable to demonstrate a sufficient (ie 5 year) housing land supply. Uttlesford DC's 'Housing Delivery Test and 5-Year Land Supply Statement' issued in January 2021 states that **the district has 3.11 years of housing supply for the 2020-2025 5-year period**.

5.12 Paragraph 2.2.8 of the Local Plan confirms that 'any development beyond development limits must be consistent with national policy on the countryside and appropriate Structure Plan Policy C5'. The Structure Plan is no longer valid and Government planning policy is now set out in the National Planning Policy Framework (supported by the PPG) which takes a positive approach to sustainable growth.

5.13 The Local Plan contains a range of Environment policies. In respect of heritage policies, Policy ENV2 (Development Affecting Listed Buildings) is relevant in respect of considering the impact of the development upon the settings of listed buildings. Policy ENV9 (Historic Landscapes) is relevant in respect of the assessing the development upon the Protected Lane designation. Policy ENV1 (Conservation Area) applies to that small element of the site (entrance to existing access) lying within the Conservation Area. The policy seeks to preserve and enhance the character and appearance of the essential features of a Conservation Area.

- 5.14 Policy ENV3 (Open Spaces and Trees) seeks to prevent the loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens. Policy ENV5 (Protection of Agricultural Land) seeks to prevent significant losses of the best and most versatile (BMV) agricultural land.
- 5.15 Policy ENV15 (Renewable Energy) states that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity.
- 5.16 A number of other district-wide policies are relevant to development proposals, including those found at GEN 1 to GEN 8 inclusive. These relate to issues of access, design, flood protection, good neighbourliness, light pollution, infrastructure provision to support development, nature conservation and vehicle parking standards.
- 5.17 Policy GEN1 (Access) states:

*Development will only be permitted if it meets all of the following criteria:*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- 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.*
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
- e) The development encourages movement by means other than driving a car.*

- 5.18 In respect of GEN2, this states:

*Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.*

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;*
- 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;*
- c) It provides an environment, which meets the reasonable needs of all potential users.*
- d) It helps to reduce the potential for crime;*
- e) It helps to minimise water and energy consumption;*
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.*
- g) It helps to reduce waste production and encourages recycling and reuse.*
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.*

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

5.19 Policy GEN8 (Vehicle Parking Standards) sets out maximum parking standards, which are 2 car parking spaces for properties of up to three bedrooms. However, the LPA has adopted more recent guidance regarding residential parking standards (see SPD's below).

5.20 There are no particular policies relating to the increasingly popular home-working concept which the application seeks to promote via the inclusion of a study within each dwelling. However, paragraph 4.16 of the Local Plan notes that:

*Many small businesses are started by people working in their own homes and information and communication technology is likely to increase the incidence of home-working. This could help address the issue of unsustainable journey to work patterns.*

#### **National Planning Policy Framework (NPPF)**

5.21 The National Planning Policy Framework (NPPF) 2019 brings a Presumption in Favour of Sustainable Development.

5.22 Paragraph 2 confirms that the NPPF 'must be taken into account in preparing the development plan, and is a material consideration in planning decisions'.

#### Achieving Sustainable Development

5.23 Chapter 2 of the NPPF (Achieving Sustainable Development) at Paragraph 7 states 'the purpose of the planning system is to contribute to the achievement of sustainable development'.

5.24 Paragraph 8 advises that:

*'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – 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;*

*b) **a social objective** – 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; and*

*c) an environmental objective – 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.’*

5.25 Paragraph 10 advises that, ‘so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development’.

5.26 Paragraph 11 confirms that, ‘decisions should apply a presumption in favour of sustainable development’ and goes on to state that ‘for decision taking this means:

*- approving development proposals that accord with an up-to-date development plan without delay; or  
- **where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***

*i). the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii) **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.’***

*(NB Highlighting added)*

5.27 Paragraph 11 clarifies that an out of date policy ‘includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites’

(NB - please refer to comments below).

#### [Delivering a Sufficient Supply of Homes](#)

5.28 Chapter 5 sets out Government policy for ‘Delivering a sufficient supply of homes’. Paragraph 59 of the NPPF advises that,

*‘To support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’.*

5.29 In the case of this application, the housing needs of families and downsizers are targeted, including 3 bed dwellings and a bungalow as set out at Chapter 4 of this statement.

5.30 Paragraphs 67 to 72 concern ‘Identifying land for homes’. Paragraph 68 notes that:

*‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly’*

- 5.31 In this case, the site is a small housing site ( 4 dwellings) supported by national policy.
- 5.32 Paragraphs 73-76 concern ‘Maintaining supply and delivery’. Paragraph 73 states that LPA’s are required to demonstrate a 5 year housing land supply. (NB: As evidenced, the LPA cannot currently demonstrate a deliverable 5 Year Housing Land Supply).

#### Promoting Sustainable Development in Rural Areas

- 5.33 Paragraph 78 states that:

*‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.’*

- 5.34 In this case the site is located such that it physically well related to the village and rural community. Indeed, the LPA acknowledged in pre-application advice that development at this site would be physically and functionally connected to the village, as evidenced at Chapter 4 of this statement.

#### Making Effective Use of Land

- 5.35 Chapter 11 of the NPPF is entitled ‘Making effective use of land’. Paragraph 118(d) explains that planning decisions should,

*‘promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively’.*

- 5.36 The site is not intensively used currently and the use of part of the larger paddock for housing would contribute to meeting identified housing needs and addressing shortages, for reasons set out earlier in this statement.

#### Economic Growth

- 5.37 Chapter 6 of the NPPF concerns ‘Building a strong, competitive economy’. Paragraph 80 states that, *‘significant weight should be placed on the need to support economic growth and productivity’.*

- 5.38 There will be economic benefits arising from the development and occupation of the site, as further detailed in Chapter 6 of this statement.

#### Promoting Healthy and Safe Communities

- 5.39 Chapter 8 of the NPPF (Promoting healthy and safe communities) sets out at Paragraph 91 that planning decisions *‘should aim to achieve healthy, inclusive and safe places’.*

- 5.40 The development would meet this objective. In particular, the development would be inclusive as it proposes a new 'safe' footpath through the site to link to the village facilities and also create new views.

#### Sustainable Transport

- 5.41 NPPF Paragraph 103 is concerned with actively manage patterns of growth and notes that, *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*
- 5.42 The distinction between urban and rural is also important in this case, given that the development lies in a village not town location.
- 5.43 Paragraph 109 states, *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 5.44 The application will demonstrate that the proposals would not cause an unacceptable highway safety impact.

#### Good Design

- 5.45 Chapter 12 of the NPPF provides policy concerning 'Achieving well-designed places'. Paragraph 124 states that, *'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 5.46 Paragraph 127 contains various criteria aimed at this Chapter's objective.
- 5.47 The proposed development, which demonstrates 'good design', responds positively to these design policies.

#### Natural Environment

- 5.48 Chapter 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) provides inter alia policies on flood risk.
- 5.49 Paragraph 148 states, *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*
- 5.50 Paragraphs 149-151 give more detailed policy on 'Planning for climate change'. Paragraph 150 encourages new development to reduce greenhouse gas emissions. Paragraph 151 sets out policy in order to help increase the use and supply of renewable and low carbon energy and heat.



- 5.51 Paragraph 154 states inter alia that, *'when determining planning applications for renewable and low carbon development, local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'*.
- 5.52 The application has a particular focus on energy provision with a view to addressing climate change.
- 5.53 Paragraph 155 advises that, *'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk'*.
- 5.54 In this case the site is at low risk from flooding.
- 5.55 Chapter 15 (Conserving and Enhancing the Natural Environment) concerns matters such as flood risk, climate change, landscape impact, agricultural land, contamination, biodiversity and geology.
- 5.56 Paragraph 170 states inter alia, that: *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*  
*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*  
*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland..'*  
*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- 5.57 The site does not comprise a 'valued landscape' and is not farmed. Assessments of vegetation and ecology have been made.
- 5.58 Paragraph 175d) states, inter alia, that, *'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity'*.
- 5.59 Additional provision is made for tree planting and a large ecology area to bring significant net gains for biodiversity.

#### Heritage

- 5.60 Chapter 16 sets out policies regarding 'Conserving and enhancing the historic environment'.
- 5.61 Paragraph 193 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

- 5.62 Paragraph 196 states, ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.
- 5.63 Paragraph 197 states, ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

### Planning Practice Guidance (PPG)

- 5.64 This is the Government online planning guidance which helps to back up the policies of the NPPF.
- 5.65 Of particular relevance to this application is the section entitled, ‘Rural Housing How should local authorities support sustainable rural communities?’ (Paragraph: 001 Reference ID: 50-001-20160519). The PPG states the following:
- *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 National Planning Policy Framework, 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. A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.*
  - *The National Planning Policy Framework 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**.*
- 5.66 This guidance is important for the LPA to address in determining this rural housing application.

### Uttlesford Interim Climate Change Planning Policy

- 5.67 Following on from Uttlesford DC’s declared a Climate and Ecological Emergency in 2019, the council has recently issued an Interim Climate Change Planning Policy (February 2021). This sets out 14 policies which planning officers recently advised are ‘intended to encourage everyday planning applications to consider how they can better address climate change’.

- 5.68 The document's forward states that, *'The main purpose of the document is to reiterate to developers that Uttlesford District Council is resolute about climate change mitigation and adaptation measures. The Council expects to see this is taken on board, when building new developments. It should also help officers in their negotiations to bring forward more climate friendly proposals.'*
- 5.69 The document states, that, *'Following the withdrawal of the Regulation 19 Plan, it is likely to take the Council three years to prepare and submit a new local plan for examination. Recognising its Section 19(1)(a) duty, the Council has produced this interim policy to set out how it intends to judge whether development proposals adequately mitigate and adapt to climate change, bridging the existing adopted local plan and its successor. The Council fully recognises that the interim policy will need to be applied proportionately in each case – the scope for mitigation and adaptation measures will be greater in larger schemes – and that there may be options that the guidance does not consider.'*
- 5.70 The submitted Sustainability Statement addresses the Interim Climate Change Planning Policy document.

#### **Essex County Council Parking Standards - Design and Good Practice (2009)**

- 5.71 This document sets out the relevant parking standards for a residential development ie 2 spaces for a dwelling of two bedrooms or more. Visitor parking spaces are additionally to be provided at 0.25 spaces per dwelling. Advice is also given regarding cycle parking provision. The development takes account of the parking standards.

#### **Uttlesford Residential Parking Standards (Feb 2013)**

- 5.72 In addition to the Essex CC parking standards, more local advice is given by the LPA. The council requires 3 parking spaces for 4+ bed dwellings. On plot parking for dwellings, (eg parking spaces, garages, car ports) accessed from the front of the dwelling, is the preferred and normal design approach.

#### **Essex County Council Development Management Policies (2011)**

- 5.73 The document provide policies concerning highways/transport matters, which are stated to reflect the balance between the need for new housing and employment opportunities, the regeneration and growth agenda and protecting the transport network for the safe movement of people and goods.

#### **Essex Design Guide**

- 5.74 The Guide provides a range of advice relating to the design and layout of developments.

#### **Accessible Homes and Playspace (2005)**

- 5.75 The SPD provides the Council's advice in relation to Lifetime Homes, Wheelchair Accessible Housing and Accessible Playspace.

## Widdington Village Design Statement (VDS) 2009

- 5.76 The VDS, which is non statutory and now quite dated, states, *'Future development should be confined to suitable infill beyond development limits or **village extension** rather than creating separate estate development outside the village boundary'*. The type of development proposed is in the form of 'village extension' not separate estate development and thus appears to comply with the VDS.

## 6.0 JUSTIFICATION FOR THE DEVELOPMENT

6.1 The key issues in determining the application relate to the following:

- The Principle of Development
  - Policy S7 (Countryside) Considerations
  - Housing Supply & Presumption In Favour of Sustainable Development
- Locational Sustainability
- Character and Appearance
- Design and Layout
- Climate Change and Energy Efficiency
- Heritage
- Impacts on Existing Vegetation
- Relationship with Neighbouring Properties
- Highways and Parking
- Flood Risk
- Biodiversity
- Infrastructure Issues
- The Tilted Balance – A Summary

### The Principle of Development

6.2 Section 38 (6) of the Planning Act requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. One of the most powerful material considerations is the National Planning Policy Framework (NPPF), in particular, its *presumption in favour of sustainable development* and the need for housing.

6.3 In considering the principle of development, consideration must be given to key Local Plan policy applicable to the site location (ie Policy S7) and the NPPF's Presumption in Favour of Sustainable Development, the application of which is affected by housing land supply. Details now follow.

### Policy S7 (Countryside) Considerations

6.4 Starting with the Development Plan, the site (excepting that small element located within the settlement boundary) is treated as 'countryside' for the purposes of the Uttlesford Local Plan, where new housing is restricted under Policy S7, unless for example it is appropriate to a rural area. The council's own commissioned report (NPPF Compatibility Assessment, July 2012) assessed Policy S7 against the 2012 NPPF and stated:

*"The NPPF's Core planning principle recognises the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Policies should support economic growth in rural areas to create jobs and prosperity so a positive approach to sustainable new development is required."*

6.5 The Compatibility Assessment confirms that Policy S7 is only '*partly consistent*' with the NPPF. It states that the,

*“NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth..”*

6.6 The strict application of the Policy S7 is therefore inconsistent with the NPPF, as it does not reflect the NPPF’s *presumption in favour of sustainable development*.

6.7 The LPA itself has publicly recognised that Policy S7’s non-compliance with the NPPF, *“reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles”*.

6.8 In appeal decisions, including those determined via Public Local Inquiries, planning inspectors have applied various weight to Policy S7. Some have attributed only ‘limited’ weight to conflicts with Policy S7, especially given housing supply shortages.

6.9 Of particular note were the conclusions (appeal ref: APP/C1570/W/19/3242550) recently made by the appeal inspector concerning the Uttlesford Local Plan, who stated that,

*‘I have carefully considered the appeal decisions brought to my attention by the main parties. These confirm that between 2015 and 2019 Inspectors have come to differing views on the issue of consistency and the subsequent weight to be applied to Policy S7. Most of those decisions preferred by the Council, including the Secretary of State’s decision, were made in the context of the Council being able to demonstrate a 5YHLS, albeit marginally. There also appears to me to be **a general pattern of less weight being ascribed to Policy S7 as the Council’s 5YHLS has deteriorated**’*

6.10 In considering the Uttlesford Local Plan (‘LP’), the Inspector also noted that,

*‘there can be little doubt that **the LP is now painfully out of date in terms of its purpose, its strategy, its content and its housing delivery policies. It does not meet the requirement for the Council to have an up-to-date plan and it is clearly not a strong foundation upon which to refuse planning permission**’.*

6.11 Therefore, in assessing the application, the applicants subscribe that only *limited weight* should be applied to Policy S7 and its policy restrictions upon new housing development in the countryside.

### **Housing Supply & Presumption In Favour of Sustainable Development**

6.12 Given the scheme’s conflict with Policy S7 of the Local Plan, the It is necessary to consider therefore whether there are material considerations which indicate that permission should be granted.

6.13 The Local Plan has only planned for housing growth until 2011 so is increasingly out of date. Until a new Local Plan is adopted so that the council’s policies are more compliant with the NPPF, sustainable development proposals should be considered positively.

6.14 The council has had difficulties in meeting a 5 year housing supply in recent years. The LPA has also consistently acknowledged in recent times that applications for sustainable development outside

development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing.

6.15 The LPA acknowledges that it is currently unable to demonstrate a 5 year supply of housing land. Its report in January 2021 confirms a housing land supply of 3.11 years, or in real terms a housing deficit of 1,402 homes.

6.16 The footnote to Paragraph 11 of the NPPF indicates that where the LPA cannot demonstrate a 5 year housing supply, its most relevant policies for determining the application would be deemed out of date. Policy S7 (Countryside) and Policy H1 (Housing Development) of the Local Plan, which seek to impose a general restriction on development, including housing, outside the defined limits are therefore considered out of date.

6.17 Accordingly, the *Presumption in Favour of Sustainable Development* (Para 11, NPPF) is engaged. Paragraph 11 d) states that for ‘decision taking’ this means,

*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, **granting permission** unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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.*

6.18 This test is commonly referred to as the ‘tilted balance’.

6.19 The first part of the tilted balance at (i) requires consideration of whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this case the relevant assets are designated heritage assets. Accordingly, an unweighted and separate balancing exercise concerning these is firstly required in accordance with paragraph 196 of the Framework, which states, ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

6.20 The submitted Heritage Statement indicates that the proposed development will subsequently result in a ‘very low level of less than substantial harm to the significance of the Widdington Conservation Area’ and that ‘the significance of all listed buildings potentially affected by the proposed development will be preserved’. Given this professional assessment, it is contended that the amount of public benefits of the development mean there is no clear reason for refusing the application against Paragraphs 11 d (i) or 196 of the NPPF. Public benefits may include anything that delivers economic, social or environmental objectives. These benefits are set out later below and it is consideration of these, balanced against the (limited) impacts upon heritage assets, that has led to the stated conclusion above.

6.21 The second part of the tilted balance at (ii) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the NPPF's policies as a whole. The applicants contend that any adverse impacts are limited, such that they do not reach the bar of being able to 'significantly' and 'demonstrably' outweigh the benefits of the development.

- 6.22 The benefits of the development address the economic, social and environmental objectives of sustainable development as set out at Paragraph 8 of the NPPF, as now set, following which the remainder of this Chapter considers further detailed assessment of the development. This will help determine whether there are any adverse impacts that would significantly and demonstrably outweigh the scheme's benefits of allowing this sustainable small scale housing development.

#### Economic Benefits

- 6.23 The construction of four dwellings will bring short term economic benefits. Employment during the construction phase, along with the purchase of related goods/services, will benefit local companies eg contractors, sub-contractors, trades and suppliers.
- 6.24 The occupiers of the houses would contribute to the local economy in the long term, such that there would be some positive economic benefit for those offering services in the local area. Whilst for example, the Fleur de Lys pub may benefit from extra custom, the economic benefits should not be looked at on a Widdington-centric basis, but more widely so that other locations benefit, for example the shops, pubs or restaurants in other villages around such as Debden or Newport.
- 6.25 The increased pool of potential customers for the local bus service could bring improved viability. This is a service which the Parish Council supports and wants to do everything possible to maintain it. Additional customers on the route, generated via new housing, will meet such desire and also falls in line with NPPF policy which supports local services. Reference should be made to PPG Advice – *'Rural Housing - How should local authorities support sustainable rural communities?'*
- 6.26 The dwellings are designed with home office to encourage working from home, enabling the prospects of an economically active additional population in the village.
- 6.27 Approval of the scheme will also generate funding for the District and Parish via the New Homes Bonus, as well as increased Council Tax receipts. This can be used to good effect locally, such as improvements to the local bench and seating area in High Street which requires refurbishment.

#### Social Benefits

- 6.28 The application proposes the construction of four dwellings. The provision of housing is a social benefit addressing the social objective of sustainable development, as stated at the NPPF. This is especially so at the current time given the lack of a 5 Year Housing Land Supply and the NPPF's requirements to significantly boost housing. This small scheme can deliver quickly and this factor lends additional support.
- 6.29 Particular paragraphs of the NPPF which lend support to the housing proposal include:
- Paragraph 59 (significantly boosting the supply of homes)



- Paragraph 60 (Planning Policy to reflect different housing needs)
- Paragraph 68 (Contribution of small housing sites)
- Paragraph 78 (housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas)

- 6.30 The highest housing need in Uttlesford is for 3 properties, according to the council’s own assessment. Three of the proposed dwellings meet these highest needs. Furthermore, the aging demography of Uttlesford’s residents demands that properties suited to the older generation are delivered. In this case, a 2 bedroom bungalow is also proposed. This is particularly significant in Widdington given the lack of new build bungalows in the village. This will potentially allow for downsizing and freeing up another local property for a family.
- 6.31 The proposed development will provide a high quality built environment, accessible to local services, including those which can be reached via the regular bus service to other nearby settlements which offer facilities for health, education, leisure and retail facilities, thus assisting social objectives.
- 6.32 The site is located in a small settlement and minor benefits will accrue from additional localised surveillance brought by additional residents. The development will also be safe and secure being located off a private drive but also proposing a new permissive footpath route (increasing surveillance) which the applicants anticipate will be beneficial to local people and reasonably well used, given the lack of footway along Cornells Lane.
- 6.33 Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies.
- 6.34 The proposals comply with the social objective of the NPPF in the above respects but most notably via the provision of a much needed dwellings to help address the council’s significant housing shortfalls, noting that the Government sees rural housing as “essential”.

#### [Environmental Benefits](#)

- 6.35 The development addresses objectives of the NPPF and Uttlesford DC’s declared Climate and Ecological Emergency (and subsequent Interim Policy) in beneficial ways. Particular minimum requirements of UDC’s interim policy are proposed to be significantly exceeded.
- 6.36 The development will address Climate change objectives in particular through the energy efficient design measures. These include improved fabric and the provision of air source heat pumps and photo voltaic panels. **The development is designed to save over 5 tonnes of carbon dioxide emissions** to the atmosphere compared to a scheme which meets Building Regulations. This is a tangible benefit, especially for such a small scheme. Each dwelling would also be provided with an electric vehicle charging point.
- 6.37 The scheme includes significant new tree planting which will bring ecological and environmental benefits. Opportunities to make improvements to certain vegetation along Cornells Lane could be

pursued in accordance with recommendations of the AIA, which the applicants are willing to undertake subject to agreement from the highway authority.

- 6.38 The applicants also propose to deliver tangible biodiversity net gain in the form of the proposed off site ecological area measuring 0.29 acres.
- 6.39 A pleasant landscaped footpath corridor for use by the public via permissive rights will be delivered, creating a safe walking environment with new views.
- 6.40 The scheme proposes to remove overhead power line and apparatus by grounding cables, for visual benefit.
- 6.41 The development will deliver high quality design with appropriate scale, form, density, architecture and materials, adding to the overall quality of housing in the village.
- 6.42 The NPPF (Paragraph 118d) encourages the re-use of under utilised land, especially if this would help to meet identified needs for housing. The site is part of a paddock which is 'under utilised land' currently as horses are not kept it by the applicants and the land has not been farmed for many years (nor has any prospects of this). However, the proposals would allow a sizeable part of the paddock to remain, which may potentially appeal to one of the new occupiers should they be interested in keeping a horse thereon, in turn making a beneficial use of the land.
- 6.43 The site appears without overriding constraints in terms of highway safety, flood risk, heritage, important tree loss, biodiversity, contamination or utility infrastructure.

#### Locational Sustainability

- 6.44 Details of the sustainability of the location have been set out at Chapter 3 of this statement.
- 6.45 In making an assessment about the site's locational suitability, account has been taken of appeal decision (PINS ref: APP/C1570/W/19/3226765) and the comments made by the inspector.
- 6.46 The village has a small number of facilities consistent with its size, including pub, village hall, visiting weekly post office, church, recreation facilities, visiting fruit & veg stall and visiting shop (The Refill Barn).
- 6.47 Important to locational sustainability is the local bus service which operates 6 days a week and runs up to 12 services, generally hourly, from morning to evening.
- 6.48 The bus stops are located within easy walking distance from the site along surfaced footways. The bus services allow access to facilities and services of nearby settlements, including Saffron Walden, Newport and Bishop's Stortford. This allows Widdington residents to access retail, health, leisure, employment and education services. There is a direct service to Tesco supermarket in Saffron Walden, although food retailers provide home delivery services. The bus service serves the two secondary schools in Newport and Saffron Walden meaning that children are safely connected to local schools.

- 6.49 Stansted Airport, one of the largest employers in Essex (and Uttlesford) can be accessed using two bus routes. Other major employment is available in Cambridge, Harlow and London, lying along the M11 corridor and accessible by train services. Nearby railway stations at Newport, Audley End, and Bishops Stortford are served by regular public transport from Widdington High Street.
- 6.50 The appeal inspector stated in the January 2020 appeal decision that timings of the bus service would restrict its use for many residents who may require access early in the morning or later in the evening to access employment and public transport opportunities further afield. However, the applicant's research does not entirely support the inspector's negative opinion.
- 6.51 The earliest bus service from Widdington is 0803 hours which arrives adjacent Newport Railway Station at 0810 hours and outside Audley End Railway Station at 0815 hours. These times allow for connecting commuter trains which arrive at Bishops Stortford (0828 hrs), Harlow Mill (0836 hrs), Harlow Town (0839 hrs), London Liverpool Street (0920 hrs) and Cambridge (0855 hrs). As will be appreciated, these trains arrive in Bishops Stortford (although bus could be taken too), Harlow and Cambridge before 9.00am. The train to London Liverpool Street arrives after 9.00am, although it should be noted that many employers operate flexible working arrangements for their staff (this being particularly the case during the Coronavirus pandemic) and it is not uncommon for employees to be allowed to start work after 9.00am.
- 6.52 Furthermore, the last bus service in the evening to Widdington leaves from Newport Railway Station at 1935 hrs and Audley End Railway Station at 1940 hrs, arriving Widdington at 1945 hrs. These times mean that early evening trains (connecting by bus to Widdington) can be taken for return commuting journeys from London Liverpool Street (1837 hrs), Harlow Town (1838 hrs), Harlow Mill (1841 hrs), Bishops Stortford (1914 hrs), and Cambridge (1850 hrs). These are reasonably late return commuting train times, which complete with the morning service do allow for reasonable morning and evening access to other larger destinations for employment and public transport connections.
- 6.53 The appeal inspector expressed some doubt as to the longer term provision of the bus service as he had no confidence that it would continue to operate after the middle of 2021. However, in January 2021, the bus operator Stephensons of Essex attended the Widdington Parish Council Meeting. The minutes report that the bus company **confirmed their intention to reassure the Parish Council and residents that they have no intention of curtailing the bus service.** This should resolve any current doubts about the ongoing provision of the bus service.
- 6.54 The appeal inspector noted the positive aspects of new housing development in supporting the local bus service. He stated that, ***'an increase in patronage could assist in securing its longer term provision and to that extent the inclusion of a travel card is an incentive, albeit limited to 6 months and only one per household, reducing its impact. There would also be an incentive through a likely increase in the number of school children in this rural area where I heard from the appellant that getting children to school is an important objective of the county council for its rural bus services.'***
- 6.55 Widdington Parish Council has recently stated its *'wish to preserve the bus service and will do whatever is necessary to maintain it'*. In consideration of such local desire, it will be noted that new housing development (including as proposed) clearly has a role in helping maintain the bus service (and getting children to school to meet Essex CC objectives). The applicants are able to offer a Travel Pack for the

new occupiers to promote and incentive the use of sustainable public transport. The pack would include travel vouchers for use of the bus service and could be secured by condition.

- 6.56 The appeal inspector considered that the 20 unit scheme was not in a location which is, or is likely to be, adequately served by public transport *for the scale of development* proposed. However, those comments were in respect of a larger ‘scale’ of development ie 20 dwellings, not the 4 dwellings now proposed.
- 6.57 He also opined that the day to day reality would be that residents would have ‘little choice’ other than to be ‘heavily reliant’ on private car based journeys, this despite the evidence now presented regarding regular public transport. Clearly some ‘choice’ is available to residents, should they desire to use public transport. In any event, the NPPF indicates at Paragraph 103 that, *‘opportunities to maximise sustainable **transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’***
- 6.58 The appeal inspector stated that the (refused) development of 20 dwellings was likely to generate a significant amount of transport movements per day and a large number of these movements would likely be by private vehicles. This comment tallied with the council’s decision on that refused application, whereby the LPA stated that such development would result in a ‘significant increase in the number of journeys made by car rather than sustainable modes of transport’. The appeal inspector also opined that, ‘there would be an illusion of travel choice in the short term. The reality would be a limited public transport options and unrealistic cycle and walking opportunities for the majority of future residents’. Two points however, now arise.
- 6.59 Firstly, is the reduction in unit numbers from 20 to 4 dwellings meaning that there would not be a ‘significant increase in the number of journeys made by car’ in relation to the current application proposals, which means any reason for refusal on such grounds is no longer warranted.
- 6.60 Secondly, the LPA should be consistent with other decisions it has made regarding walking and cycling opportunities. One comparison can be made with a planning application ref: UTT/19/2993/OP for 4 dwellings approved by Planning Committee dated 20 February 2020 concerning 4 no. dwellings at Cott Moor, Old Mead Road, Henham (applicant Mr Le Count, a UDC Councillor). That site does not lie in a village but is within a cluster of houses in countryside to the northwest of Henham. The planning officer report comments, *‘As the site is accessed via rural lanes with no footpaths or street lighting it is unlikely that occupiers would walk to services. Henham is 2km away, the centre of Elsenham is 3.2km away and the nearest frequently used bus stop is 900m to 1.5km away. However, occupiers may choose to cycle these distances. There is also the opportunity to access train services from Elsenham Station, 2.4km away, without using a car. Overall, it is considered that alternatives to the car would be encouraged by this development as it may lead to occupiers using a bicycle to reach Henham and Elsenham and occupiers are likely to use the railway station at Elsenham’.*
- 6.61 By comparison, the Widdington application site lies in a village environment with adjacent footpaths serving village facilities. The bus stops, with regular 6/day week services, lie within 170m walking distance from the site. Planning officers opine that occupiers may choose to cycle distances of 3.2km, noting that Newport Railway station lies 3.45km cycling distance from the site, this lying off High Street where, additionally, other facilities are found along its route.

- 6.62 Furthermore, the application proposes other measures to address environmental issues arising from the site location. Firstly, electric vehicle charging points (EVCP's) are proposed for each dwelling. In the 20 unit scheme, the appeal inspector noted that whilst EVCP's could be provided, it could not be demonstrated these would be taken up other than on a limited individual basis. The applicants believe that the appeal inspector took an unduly negative approach to the provision of EVCP's, these contributing to sustainable and climate change friendly transport, which Uttlesford DC is promoting via its Interim Climate Change Policy (Feb 2021). The provision of EVCP's is supported by the NPPF, for example paragraph 148, which states, *'The planning system should **support the transition to a low carbon future in a changing climate**'*. This is exactly what the application proposals intend to do.
- 6.63 Additionally, each proposed dwelling is shown with a home office which will provide a facility for the new residents to work from home. Working from home is a growing trend but even more so as a result of the Coronavirus Pandemic which has made many employers and employees consider more flexible working patterns. Again, such home working provision should find support from the LPA, noting the Uttlesford Local Plan at paragraph 4.16 states, *'many small businesses are started by people working in their own homes and information and communication technology is likely to increase the incidence of home-working. **This could help address the issue of unsustainable journey to work patterns**'*. Therefore, the home working facility proposal could help address unsustainable commuting patterns.
- 6.64 The issue of the 'scale' of a 20 unit housing estate development was a concern to the appeal inspector, although he had regard to various appeal and other decisions for housing development where **the Council referred to Widdington as being a 'sustainable settlement'**. He stated, *'Whilst there may be general similarities all of these appear to be for fewer units (between 1 and 9). Moreover, **the key consideration is the effects from the scale and numbers of future residents and there are materially different site specific and bespoke considerations in each appeal. Each case must be determined on its own merits.**'*
- 6.65 In this case, the proposal is for 4 dwellings, not 20 and so has different merits and effects than the appeal scheme. In planning terms, a scheme of 1 to 9 dwellings represents a 'minor development' and as such the proposed scheme of 4 dwellings falls in this minor category. The effects of the 'scale' of development and 'numbers of future residents' which the inspector was concerned by is now much reduced from the 'major development' of 20 dwellings dismissed at appeal.
- 6.66 As noted by the appeal inspector, the LPA itself has recognised that Widdington is a sustainable settlement. This is effectively as evidenced by the approval of minor housing development at various locations in the village in recent years. The applicants point particularly to the nearby 'cluster' of approved housing sites at Pond Mead, Pond Mead Cottage and Midsummer House, which have comprised new build and housing sub division (as set out at Chapter 3). Those sites, as combined, have resulted in planning permissions for a 'net' increase in 5 dwellings in one location, all of which are outside of the Local Plan's village settlement boundary. The applicants assert that a consistent decision by the LPA should not lead to a refusal of their application for 4 dwellings on grounds of the scale of development (ie number of dwellings) or locational suitability, their site being closer to the village hall, pub, play area and bus stops than the cluster referred to.
- 6.67 At this juncture, it is pertinent to reference the NPPF at Paragraph 78 states:

*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for **villages to grow and thrive, especially where this will support local services.***

6.68 The development will bring some limited growth to help provide a larger pool of potential customers to support the village pub and bus services, thus compliant with NPPF Paragraph 78. It will assist the vitality and social cohesion of the rural community eg patronage of local clubs and societies. It also brings the opportunity for older residents to downsize and remain the village, via the new bungalow provision, potentially freeing up a larger home in the village for use by a new family. At the (20 unit scheme) appeal hearing in December 2019, the inspector heard how a pre-school facility was struggling due to lack of children. More family homes may potentially assist situations similar to this.

6.69 The site's location therefore adds to the 'sustainable development' credentials of the scheme in the eyes of the NPPF. Indeed, planning officers in their report for the site of 15 dwellings application (UTT/19/2623/FUL) noted that,

*'..its position adjacent the built-up area of the village ensures compliance with the more up-to date policy at paragraphs 78-79 of the NPPF, which recognises that some growth in existing settlements can facilitate the enhancement and maintenance of vitality in rural communities'.*

6.70 The Council's acknowledgement that 'some growth' (sic) in this location would technically comply with the NPPF demonstrates a willingness to consider some level of development at the Site. Indeed, this corresponds to initial advice given during original pre-application discussions where officers confirmed that development at the site would be 'physically and functionally connected to the village of Widdington'. The site is clearly in the correct location to address relevant NPPF paragraphs regarding growth of rural settlements.

6.71 Furthermore, whilst Widdington has a limited number of facilities, this need not be a reason for concern in NPPF sustainability terms. A High Court judgement (Braintree DC v SCLG & others – 15th November 2017) - subsequently upheld by the Court of Appeal (28th March 2018) – effectively confirmed this view. The key point under the NPPF (eg paragraph 78) is that development in one village can support local village services in the area eg Newport and Debden. Paragraph 28 of the judgement (NB – NPPF Para numbers have since altered) stated:

*'NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them... Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services...NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas'.*

6.72 Given the circumstances outlined, there should be no objection on grounds of the site's location, access to services or (for this small scale scheme) amount of private car usage. The reasons for refusal on such grounds, in relation to of previous application schemes for 15 and 20 dwellings upon the overall paddock area, could not reasonably apply to this smaller site and minor (4 dwellings)

development scheme. Accordingly, the inspector's concerns in these respects as stated in the appeal (which concerned a 'major development') are addressed.

### Character and Appearance

- 6.73 The applicants have taken great regard to the comments of the appeal inspector and decisions of the LPA concerning previous applications for housing development made upon the whole paddock area. At the outset of the council's consideration of character issues it is vitally important to distinguish between those unsuccessful 'major development' schemes for 15 and 20 dwellings, on circa 1.35ha of land, and the current application which proposes a 'minor development' of only 4 dwellings, on 0.48 ha of land.
- 6.74 Prima facie, the vast reduction in site area and in numbers of dwellings per se, will significantly reduce impacts upon the 'character' of the area. Previous concerns from the appeal inspector cited the 'suburbanisation' of the site through the addition of a large number of dwellings across a larger site area which he opined would harmfully alter the character and appearance of the site, appreciably diminishing its valuable contribution to the open and undeveloped rural landscape setting of Widdington. **The alleged "suburbanisation" would therefore not happen on this scheme.** Whilst it is accepted that development upon any greenfield site will inevitably have some impacts, it is contended that, in this case, those impacts will not be so demonstrable or significant that they would be unduly harmful, or outweigh the benefits of the scheme when considering the 'tilted balance' assessment.
- 6.75 The applicants are also mindful that the Widdington Village Design Statement (2009), although a dated and non-statutory document, indicated a preference for *village extension* rather than creating separate *estate development* outside the village boundary. This preference is satisfied, as the scheme is a minor residential extension to the village, not an estate development, noting that the application site also comprises a small part of land within the Local Plan settlement boundary.
- 6.76 In the appeal scheme the inspector considered that the overall paddock formed part of the rural setting of the village. He opined that the overall paddock played what he called a 'transition' between the rear gardens and amenity land adjacent to the west of the paddock and the agricultural fields and open countryside to the east. The inspector caveated his comments by stating that '*there is some subjectivity in such assessments*'. As this juncture it should be noted that the site does not lie within a higher classification of countryside (such as Green Belt or AONB) and is not (in NPPF terms) a 'valued landscape. Notwithstanding this, the intrinsic character and beauty of the countryside (NPPF, Paragraph 170) has to be taken in to account when making a balanced planning decision regarding impacts upon the countryside.
- 6.77 The appeal inspector was particularly critical of the line of 2 storey houses (appeal scheme, plots 13-20) that were proposed along the eastern boundary of the paddock which, despite intervening vegetation, he stated would be 'starkly visible' and of an overall scale and disposition that would harmfully encroach above and across the skyline. These concerns have now been substantially addressed by the following means:
- a) the site area has significantly reduced from 1.35ha to 0.48ha;
  - b) the number of dwellings has been reduced from 20 dwellings to 4 dwellings;

- c) the application site only includes development on the southern part of the overall paddock;
- d) a gap between the site and the northern paddock boundary will be maintained as grassland and an open ecology area. The overall (south to north) gap is typically of around 80 metres in depth, across the whole (west to east) extent of the paddock;
- e) the west to east 'transition' will therefore be largely kept, open and green, either as paddock or new ecological area. The low density residential development will not impact significantly on this transition, noting that that large rear gardens are also proposed backing on to the retained/undeveloped paddock land;
- f) whereas there were 8 dwellings (plots 13-20) proposed in the appeal scheme shown located close to the eastern boundary of the whole paddock, this is no longer the case. Only one dwelling is close to the eastern paddock boundary, to the south-east side. Careful attention has been given to ensure this property is low in scale (proposed as a bungalow with hipped roof to the east side). It also benefits from good existing screening along the paddock boundary, restricting views from the east (and south).

6.78 The inspector noted the public and private site visual 'receptors' from which the site's relationship with its surroundings could be appreciated. In terms of existing public viewpoints across the site and the paddock, these have to an extent been curtailed by the erection of new 1.8m high close board fencing to the east of the paddock. Whilst a central section has only been provided with a frame, it is possible to further enclose the views which remain from footpaths east of the site by completing close boarding under permitted development rights. The availability of these rights is a material consideration, as verbally acknowledged by the inspector at the appeal hearing.

6.79 Views towards the village from the higher land on footpaths to the east are likely to remain substantially unaffected, given the circumstances of the proposal, with much of the paddock remaining undeveloped and there being no proposed line of 2 storey housing close to and along the full depth of the paddock's eastern boundary. The previous concerns about encroachment of such development above the skyline from this viewpoint have been significantly addressed. From further east, viewed from footpaths on farmland, it is evident that the development will be significantly screened, as demonstrated by images in the submitted 'Photographs and Site Context' document. The nearest dwelling (Plot 4) will be on the highest part of the site and closest to the paddock's eastern boundary but is proposed as a bungalow to limit impacts from height and scale. Viewpoints also indicate that another dwelling recently built on Church Lane is visible through a gap in vegetation and this glimpse is part of the character seen from such view. In these circumstances the applicants do not consider the views from further east towards the application site will be harmful to the landscape character.

6.80 The set back of the proposed dwellings in to the site, well away from the southern boundary, coupled with the screening offered (from lower viewpoints along road) by existing roadside banking and landscaping, means that the intrusion from the built development would in any event be limited when viewed from Cornells Lane. Furthermore, *significant* new landscaping including tree planting is proposed to the southern part of the site, along with measures to review existing landscaping bringing opportunities for improvements. Moreover, a 1.3m high hazel hurdle fence - to be softened by a new hedgerow - will provide other mitigations. The cross sections demonstrate that these measures would completely prevent perpendicular views of the proposed dwellings from Cornells Lane. Such measures can be secured via planning condition.



- 6.81 It will be noted that the access proposed is 5.5m wide and does not require 1.8m wide footways each side as was the case in the previous proposals for 15 and 20 dwellings, which would have led to what the inspector termed a 'comparatively wide' access. The incursion along Cornells Lane is therefore much reduced in this proposal and is also comparable to existing residential access widths opposite the site, as evidenced. Also, the proposed access is now shown at one of the lowest parts of the lane, as opposed to the unsuccessful schemes which proposed an access involving a wider and higher section of bank removal. Furthermore, the long sections demonstrate that no removal of the bank along Cornells Lane will be required to accommodate access visibility splays. Diagonally opposite the point of the proposed access, it is noted that there are other residential accesses (to William the Conqueror and Weft House) with combined width of 13.5m.
- 6.82 The access to Weft House has a 7.5 wide concrete surfaced apron off Cornells Lane which has cut through the bank and rises towards the grounds of the dwelling. The proposed development would reflect to some extent the way in which the Weft House access has been formed but would pay special attention to the quality of surface materials, these to be agreed with the LPA and highway authority.
- 6.83 The restricted access width, complete with landscaping and siting of the dwellings, means that views through this access to the built development would be strictly limited. Views along the existing paddock access in to the body of the site are already restricted but through a combination of siting, distance and landscaping, visual impacts of the proposed development again are expected to be somewhat restricted, despite the location on rising land. The view along the paddock access is already partly compromised by electricity apparatus, which the applicant proposes to remove and place underground. A new footway corridor along the existing paddock access will be provided with new tree planting, further softening viewpoints from that direction.
- 6.84 In the appeal scheme for 20 dwellings, the inspector noted that development would be apparent from the upper storeys and curtilages of surrounding residential properties and in gaps between buildings on the eastern side of High Street. It will be noted that there is no right to a private view but notwithstanding, Meadow Cottage will (unlike previously) continue an uninterrupted view of the remaining paddock. Whilst its current views will be affected, Roseley Barn is likely to still enjoy some views across the remaining paddock. It will also be noted that the rear siting of the dwelling does not extend beyond the dwelling at Roseley Barn, meaning that that other openness will be apparent in the form of gardens provided with tree planting. There will be no views of the development in gaps between High Street properties to its eastern side. Therefore, the inspector's concerns in these respects are substantially addressed.
- 6.85 The dwellings would overlook at the retained paddock land (circa 2 acres including new ecology area) noting that existing dwellings to the west and north overlook various views over and towards the paddock. Therefore, the development complies with this characteristic.
- 6.86 The current proposals have significantly addressed the previous concerns identified by the LPA and appeal inspector in relation to countryside impacts. The applicants assert that the scale of impacts is no longer significant and whilst there is some conflict with the objectives of Policy S7 this has to be balanced against the positive impacts of the development, as part of the tilted balance. In character

and appearance terms, the design and layout of the scheme plus its effects on heritage assets are important considerations (see 'Heritage', below)

### Design and Layout

- 6.87 The design and layout of the development has been carefully considered taking account of constraints, opportunities, technical issues, policy requirements and requisite standards. The Design and Access Statement explains the design rationale. Regard has been paid in particular to the requirements of Local Plan Policy GEN2 and NPPF policies.
- 6.88 The NPPF at paragraph 124 advises that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.
- 6.89 The Design and Access Statement has set out the evolution of the scheme proposals and explained how the scheme is now significantly reduced in both site area and scale compared to previously refused proposals for 15 and 20 dwellings.
- 6.90 The scale of the dwellings has been carefully assessed, with three dwellings at chalet scale and one as a bungalow, to ensure that they do not visually dominate the local environment or their relationship with the site's surroundings, which principally includes residential properties (west, south and north), the retained paddock (north) and farmland (east). The heights of these plots compare favourably with those of a similar siting in the dismissed appeal scheme.
- 6.91 Four dwellings are proposed on 0.48 hectares equating to a gross density of 12 dph. This is a low density and is deemed suitable for this edge of settlement location, also taking account of NPPF policies which seek to make efficient and effective use of land.
- 6.92 The dwellings are attractively and bespoke designed by local architect, using appropriate vernacular materials and interesting design features. Suitable articulation of form is evident.
- 6.93 The dimensions of the site allow for a comfortable siting between each dwelling. Each would have generous private garden areas providing good amenity standards and helping to keep much of the site open, albeit they would be provided with post and rail fencing and new landscaping.
- 6.94 Each dwelling would be provided with open car parking areas and cart lodge style covered (car and cycle) parking area, to meet the council's parking standards.
- 6.95 Sited facing a new private drive and the proposed permissive footpath through enabling a link between the High Street facilities and other areas of the village including Church Lane, Cornells Lane (without footway provision except near the High Street) and the countryside (for rural walks), the dwellings would be sited in a safe, inclusive and accessible environment. The ability to access the site by the public via the proposed permissive footpath route (which can be secured via planning condition) ensures that the scheme would not be divorced from the village ie it is not a 'gated' development. The layout is a linear development, facing towards Cornells Lane (through shielded by

landscaping) which respects the linear pattern of other residential development along the lane. Along with the low density development, these arrangements ensure the development is not detached from the spatial character of the village, this being a criticism of previous developments for 15 and 20 dwellings proposed on the whole paddock.

6.96 The development proposes significant new tree planting. The measures include hedgerows around each new dwelling plot and a hedgerow toward the south part of the site. There is to be extensive tree planting and opportunities can be taken to review existing trees along Cornells Lane and the paddock's eastern boundary, where in control of the applicant or otherwise in consultation with the highway authority where in its control.

6.97 In consideration of the above, the scheme would respect Government design philosophy eg at paragraph 127 of the NPPF, as it would:

- function well and add to the overall quality of the area
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be sympathetic to local character, including the surrounding built environment and landscape setting
- accommodate and sustain an appropriate amount of development and support local facilities and transport networks; and
- create a places which is safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.98 Accordingly, there should be no objection to the scheme's design and layout under Local Plan policy (especially Policy GEN2) or the NPPF's policy (Paragraph 24) which encourages 'good design'. Appropriately designed dwellings will respect local residential character and therefore lends a degree of support to the application in consideration of the terms of Policy S7 (albeit that limited weight can be afforded to this policy).

6.99 The above comments show how the design and layout of the proposals would contribute towards meeting certain environmental and social dimensions of sustainability of the NPPF.

#### **Sustainability: Climate Change and Energy Efficiency**

6.100 The application proposals have paid significant attention to addressing climate change and energy efficiency. This is in response to Uttlesford DC's declared Climate Emergency, its recently introduced Interim Climate Change Policy (February 2021) and objectives of the NPPF.

6.101 A range of measures have been included within the scheme. These include energy efficiency measures as set out in the submitted Energy Statement and summarised in Chapter 4 of this Planning Statement. They include (inter alia): improved building fabric to each dwelling in order to reduce energy demand; air source heat pumps (ASHP's) for heating and cooling; and photo voltaic (PV) panels for electricity generation. These measures go beyond what is expected under current Building Regulations. They also

go beyond the aspirational standards of Uttlesford DC's recently introduced Interim Climate Change Policy and as such should be given weight in the council's consideration of the application.

- 6.102 The **development would save over 5 tonnes of carbon dioxide emissions per annum to the atmosphere**, compared to a development built to standard building regulations. Whereas the council expects a minimum saving of 19% carbon dioxide emissions, the scheme vastly outcores this, designed to achieve 61% savings. Significant energy savings would be made throughout the scheme due to the use of ASHP's and PV panels.
- 6.103 Each property will be provided with an electric vehicle charging point to encourage the use of electric vehicles. It is also intended that the first new residents will be provided with a Travel Pack. These packs would include information on local transport, as well as vouchers to encourage take up of the local bus service which provides generally hourly access, 6 days a week, to local towns, villages and train stations. The Parish Council has stated it wants to do whatever is necessary to maintain the 301 bus service. The proposed additional dwellings will generate potential new customers for this bus route who will be incentivised to use the bus service via free travel vouchers. The proposals support sustainable travel and the Parish Council's stated desires.
- 6.104 Furthermore, the ability to access village facilities by new footpath links from the site should be recognised. The village has visiting a post office, fruit and veg stall, a food 'refill' facility and mobile caterers. The village hall, pub and church are within easy walking distance. The potential additional custom for use of these facilities is a positive element of the application, helping to address the sustainable long term vitality of the village.
- 6.105 Significant tree and hedgerow planting, as part of the landscape design, will also occur in order to assist carbon dioxide capture, as well as bringing the potential for significant biodiversity gain enhancements. The proposal will create a sizeable off-site ecological area (0.29 acres) as well as other ecological measures stated, enhancing the schemes sustainability credentials.
- 6.106 The sustainable design of the development also includes measures relating to water conservation, waste and recycling and sustainable/recycled building materials.
- 6.107 These measures will ensure the proposed development properly addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy. Compliance with climate change objectives of the NPPF and Uttlesford DC is achieved.

## Heritage

- 6.108 The application is accompanied by a Heritage Statement which has assessed the significance of heritage assets and likely effects upon them, in accordance with NPPF and Local Plan policies.
- 6.109 The report identifies that the site is located adjacent to the village core, to the east side of the village and almost exclusively outside of the Widdington Conservation Area, except for the south-west extreme which includes a nib of highway land forming part of the site's existing maintenance access from Cornells Lane. The element of the existing access up to the access gates is located. The remainder of the Site forms part of the setting of the Conservation area, together with four identified listed

buildings within the Widdington Conservation Area including Church of St Mary the Virgin, Corner Cottage/The White Cottage, Martins Farmhouse and associated buildings and William the Conqueror. The southern boundary of the site includes part of Cornells Lane, a protected lane that has been identified by Uttlesford District Council as a non-designated heritage asset.

- 6.110 The report has taken account of the comments made by the inspector regarding the scheme of 20 dwellings previously proposed across the whole (ie much larger) paddock area. Concerning the appeal for that scheme, the affected listed buildings were agreed with the council but did not include Martin's Farmhouse. However, in commenting upon the recently withdrawn application for 4 dwellings the council's heritage advisors appeared to go against this established position. The Heritage Statement addresses this matter.
- 6.111 The report notes that the site currently provides a degree of rural context and permits partial views into the conservation area, making a 'limited contribution' to the historic interest of the conservation area and, to a lesser extent, its architectural interest. It is stated that the proposed development will slightly diminish this contribution, although the high quality design together with the embedded mitigation measures within the scheme which includes extensive open space and additional planting will minimise any such impacts. The development proposals include a permissive footpath through the site which will provide new public views of the Conservation Area, which are not currently available to the public.
- 6.112 The report concludes that the proposed development will subsequently result in a very low level of less than substantial harm to the significance of the Widdington Conservation Area, due to the alteration of a small part of its rural setting and the slight change to the morphology of Widdington. In accordance with National Planning Policy Framework (NPPF) paragraphs 193 and 196 this harm must be given great weight, before being weighed against the wider public benefits of the proposed development (NB – see such assessment made by the applicants, above). Furthermore, it is stated that the proposed development will result in a low level of harm to Cornells Lane, which has been identified by the Council as a non-designated heritage asset. This subsequently engages paragraph 197 of the NPPF.
- 6.113 The report further concludes that the significance of all listed buildings potentially affected by the proposed development will be preserved, in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and will address the requirements of Local Plan policies ENV1, 2 and 9.
- 6.114 Consequently, there is no substantive reason under policies of the Local Plan or NPPF to object to the application proposals on the grounds of potential impact upon heritage assets.

#### Impacts on Existing Vegetation

- 6.115 The main body of the site has no vegetation. Hedgerow and trees exist at the outer fringes of the site.
- 6.116 An arboricultural report (AIA) has reviewed existing trees and vegetation. It has made a number of recommendations for the LPA's consideration, including measures for tree protection. The only

necessary removal of vegetation relates to a section of low quality hedgerow along Cornells Lane, to accommodate the proposed access.

- 6.117 Elsewhere, there are opportunities for improving some of the existing vegetation through replacement planting and tree works (eg limbs overhanging the highway Cornells Lane). Such works are not made necessary by the development but would be beneficial enhancement works for amenity and safety.
- 6.118 Site occupancy may foster more active and beneficial landscape management, which has not routinely occurred, especially by the highway authority.
- 6.119 The AIA notes the 'positive arboricultural impact' of the proposals, which also include significant new planting as previously described.
- 6.120 There should therefore be no objection under Policy GEN2 (Design), in relation to impacts upon existing vegetation.

#### Relationship with Neighbouring Properties

- 6.121 The siting of the proposed development (which is of limited height) respects residential amenity with the nearest dwellings being some distance away from Plot 1, including Roseley Barn (45m) and William the Conqueror (53m). Weft House is closest to Plot 4 and is sited 42m distant.
- 6.122 Plot 1 has no upper floor windows to its western flank, to avoid first floor views towards Roseley Barn or its grounds. Proposals include a new hedge and tree planting along the western side of the plot to further address amenity matters. Landscaping, both retained and new along Cornells Lane and the southern part of the site, complete with the distances cited, combine to limit harmful impacts upon the residential amenity of William the Conqueror and Weft House.
- 6.123 Therefore, there should not be any significant impacts upon residential amenity by way of overlooking, overshadowing, overdominance or noise.
- 6.124 In the absence of any material concern regarding neighbouring amenity impacts, the development will therefore comply with Policies GEN 2 (Design) and GEN 4 (Good Neighbourliness) of the Local Plan.

#### Highways and Parking

- 6.125 The proposed development includes creation of a private drive access to Cornells Lane. In light of the findings of the Access Assessment, which has considered traffic speeds, the proposed splay arrangements (2.4m by 43m) are considered appropriate.
- 6.126 The access design, the gradient, splay provision and swept-path analysis to accommodate a refuse and fire tender have all been completed in accordance with, and with due regard to, the requirements of the Essex Design Guide for a type H private access drive.
- 6.127 The assessment of this private drive access, to serve a low traffic generating development of 4 dwellings, has been undertaken to serve a development of this quantum and type, with due regards to

the findings of the Local Highway Authority in respect of previous proposals for this site. Paragraph 109 of the NPPF states, *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. There would be no such unacceptable impact on highway safety.

- 6.128 The proposals also include use of the existing access in the south-western corner of the site as a pedestrian-only access route into the development. This will connect the site to surfaced footways leading to High Street facilities (including bus services) and linking to the network of public rights of way network further east, for access to other parts of the village and leisure walks.
- 6.129 In line with the Access Assessment, it is therefore concluded that the proposed access arrangements will be suitable to serve the proposed residential development.
- 6.130 Furthermore, parking spaces for at least three cars per dwelling can be achieved, meeting the SPD standards of Essex CC. Adequate covered space for bicycle storage is also proposed, such that use of bicycle is also encouraged.
- 6.131 To further facilitate sustainable travel choice, the applicant is willing to offer travel packs for the new occupiers, as promoted by Essex CC and which include travel vouchers towards use of public transport. Taking account of NPPF Paragraph 103 this small development in a rural area reasonably provides opportunities to maximise sustainable transport solutions.
- 6.132 There are therefore no substantive reasons in highways and access terms to object to the application. Policy GEN 1 (Access), GEN8 (Vehicle Parking Standards) and relevant SPD's (including the Essex Design Guide) are complied with.

#### **Flood Risk**

- 6.133 The site is not at risk of flooding (Environment Agency Zone 1). Permeable surfaces for sustainable drainage are proposed to the private drive and individual plot turning areas.
- 6.134 As a minor scheme, details of surface water drainage can be agreed via condition. It will be noted that previous applications across the whole paddock for much larger schemes were not refused on grounds of flood risk.
- 6.135 Policy GEN3 (Flood Protection) is complied with in respect of flood risk as well as the relevant provisions of the NPPF, such as paragraph 155 which seeks to direct development away from areas of highest flood risk.

#### **Biodiversity**

- 6.136 A preliminary ecological assessment (PEA) has been carried out. All significant impacts on biodiversity, including potential adverse impacts upon specific protected species, habitats and designated sites can likely be wholly mitigated, based on the detailed findings of the PEA.

- 6.137 The proposals have therefore carefully considered the potential impacts upon biodiversity. Various measures for mitigation and enhancement will be delivered. Mitigation and enhancement will include matters such as new tree and hedgerow planting, provision of bird and bat boxes, retained grassy margins to hedgerows and hedgehog highways.
- 6.138 Of special note regarding enhancement is the proposed provision of an ecological area measuring 0.12 ha (0.29 acres) comprising part of the 2 acres of retained paddock land immediately north of the site, which would be created to include a pond, log piles and significant planting. The grasses in the ecological area would be managed with a relaxed mown regime. A planning condition would secure delivery and management of this ecology area.
- 6.139 The overall ecological proposals are intended to provide significant net biodiversity gain in accordance with the tenets of the NPPF eg paragraphs 170 and 175.
- 6.140 Policy GEN7 (Nature Conservation) is therefore complied with.

### Infrastructure Issues

- 6.141 It is proposed to ground (at some cost) the electricity apparatus which crosses the site, for visual amenity.
- 6.142 The dwellings include photo voltaic panels and air source heat pumps for electricity and heating provision, as well as electric vehicle charging points, to foster sustainable transport.
- 6.143 A foul drainage connection can be made to the existing sewer in Cornells Lane.
- 6.144 New footpath access will be made available to the public via a permissive route through the link, linking High Street (west) to the footpath network (east) which connects Cornells Lane to Church Lane.
- 6.145 Local Plan policy GEN 6 (Infrastructure Provision to Support Development) is complied with.

### The Tilted Balance – A Summary

- 6.146 In summary, the NPPF's Presumption in Favour of Sustainable Development requires a tilted balance exercise to be carried out.
- 6.147 The assessment above has considered the suitability of the proposed development taking account of location, character and appearance, design and layout, climate change and energy efficiency, heritage, vegetation, relationship with neighbouring properties, highways and parking, flood risk, biodiversity and infrastructure.
- 6.148 It has concluded positively in respect of all of these matters, with only limited harm being identified.
- 6.149 The economic, social and environmental benefits of the development have been set out. These are disproportionately high in relation to this minor housing development. The key benefits include:



<b>Economic:</b>	<ul style="list-style-type: none"> <li>➤ short term benefits during the construction phase, with benefit to local companies eg contractors, sub-contractors, trades and suppliers.</li> <li>➤ occupiers of the houses would contribute to the local economy in the long term, in Widdington and surrounding areas</li> <li>➤ increased pool of potential customers for the local bus service could bring improved viability</li> <li>➤ dwellings are designed with home office to encourage working from home, enabling the prospects of an economically active additional population</li> <li>➤ funding for the District and Parish via the New Homes Bonus, as well as increased Council Tax receipts</li> </ul>
<b>Social:</b>	<ul style="list-style-type: none"> <li>➤ the construction of four dwellings to address 5 Year Housing land supply deficiencies (1400 homes short)</li> <li>➤ 3 x 3 bed dwellings meeting highest housing size need as indicated in Uttlesford's SHMA</li> <li>➤ 1 x 2 bed bungalow to meet housing needs of an aging demographic</li> <li>➤ additional localised surveillance brought by additional residents and use of new footpath through site</li> <li>➤ additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies</li> <li>➤ high quality built environment, accessible to local services, including those which can be reached via the regular bus service to other nearby settlements</li> </ul>
<b>Environmental:</b>	<ul style="list-style-type: none"> <li>➤ improved fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. The development will save over 5 tonnes of carbon dioxide emissions to the atmosphere compared to a scheme which meets Building Regulations</li> <li>➤ each dwelling would also be provided with an electric vehicle charging point</li> <li>➤ significant new tree planting which will bring ecological and environmental benefits</li> <li>➤ opportunities to make improvements to certain vegetation along Cornells Lane</li> <li>➤ tangible biodiversity net gain in the form of the proposed off site ecological area measuring 0.29 acres</li> <li>➤ provision of pleasant landscaped footpath corridor for use by the public via permissive rights</li> <li>➤ removal of overhead power line and apparatus by grounding cables, for visual benefit</li> <li>➤ delivery of high quality design with appropriate scale, form, density, architecture and materials, adding to the overall quality of housing in the village</li> <li>➤ re-use of under utilised paddock land for beneficial use</li> </ul>

6.150 In the applicants view, it is subscribed that any identified adverse impacts of development are limited and do not 'significantly and demonstrably' outweigh the numerous benefits of this development.

6.151 In line with paragraph 14 of the NPPF, the Presumption in Favour of Sustainable Development therefore indicated that planning permission should be granted. The NPPF, as stated, is a 'material consideration' under the Planning Acts, to be taken in to account when weighing up any conflicts with Development Plan policy, in particular against Policy S7 (Countryside) and Policy H1 (Housing Development), against which only limited planning weight should be attributed and which the NPPF treats as 'out of date' policies.

## 7.0 SUMMARY AND CONCLUSIONS

- 7.1 The application proposes the development of part of an under utilised paddock for the erection of four dwellings and associated works, in the settlement of Widdington.
- 7.2 This statement has demonstrated why the proposal is acceptable, having regard to Development Plan policy and other material considerations, including the National Planning Policy Framework (NPPF).
- 7.3 With the exception of its western nib, the site lies outside the village settlement boundary and for policy purposes is treated as countryside. The application is therefore contrary to Local Plan policies which control the location and supply of housing. However, it has been shown that the ‘most important policies for determining this application’ are out of date, by virtue of the LPA not being able to demonstrate the required 5 year housing land supply, housing supply (Local Plan Policy H1 - Housing) being time expired and other policy inconsistency (eg Local Plan Policy S7 - Countryside) with more up to date national planning policy. As a result, those policies should be given limited weight in determining this application.
- 7.4 In the above circumstances, the ‘Presumption in favour of sustainable development’ is triggered, this being commonly referred to as the ‘tilted balance’. It states (at Paragraph 11 d) that planning permission should be granted unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) 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*
- 7.5 In respect of (i) above, an assessment upon ‘designated’ heritage assets should be under taken under paragraph 196 of the NPPF, balancing harm against public benefits. To this end, the submitted Heritage Statement indicates that the proposed development will result in a ‘*very low level of less than substantial harm to the significance of the Widdington Conservation Area*’ and that ‘*the significance of all listed buildings potentially affected by the proposed development will be preserved*’. Given this professional assessment, it is contended that there is ‘no clear reason’ for refusing the application against Paragraphs 11 d (i) or 196 of the NPPF, when also taking in to account the public benefits of this application.
- 7.6 In assessing (ii), the ‘tilted balance’ requires an assessment of whether there are any adverse which would significantly and demonstrably outweigh the benefits of the application, when assessed against the NPPF’s policies as a whole. The application has properly assessed a range of matters including Locational Sustainability, Character and Appearance, Design and Layout, Heritage, Impacts on Existing Vegetation, Relationship with Neighbouring Properties, Highways and Parking, Flood Risk, Biodiversity and Infrastructure Issues. Technical reports have been commissioned where required. No significant impacts have been identified. The applicants therefore contend that any adverse impacts are limited, such that they do not reach the bar of being able to ‘significantly’ and ‘demonstrably’ outweigh the benefits of the development.

- 7.7 The benefits of the development address the economic, social and environmental objectives of sustainable development (Paragraph 8 of the NPPF) and have been fully set out in this statement. A key social benefit is the delivery of four dwellings to help address the council's substantial housing shortages. The proposals meet the council's most needed housing mix (3 bedrooms) and also deliver a 2 bedroomed bungalow to meet the needs of downsizers and an aging population. The development would be suited to a small, local housebuilder. NPPF paragraphs 59, 60 and 68 give weight to the proposals in these respects.
- 7.8 The housing would be located adjacent the village envelope on a site which planning officers acknowledged is physically and functionally connected to the village. A beneficial new 'permissive' footpath would be created through the site linking to surfaced footways serving the village and in turn its various amenities. The footpath will also link to the PROW network to the west, as an alternative to walking along Cornells Lane where no footway exists to the site frontage.
- 7.9 Within walking distance, the village facilities include bus stops. Important to sustainability considerations, it will be noted that there is a 6 day a week generally hourly village bus service to places such as Newport, Saffron Walden, Audley End and Bishops Stortford, giving regular access (morning to evening) to numerous retail, education, health, leisure and employment opportunities. The bus also gives *direct access to three railway stations* serving Cambridge, London and Harlow and – contrary to views of a previous appeal inspector – has been demonstrated to allow connections at times of day which are mostly suited to employment commuting. Notwithstanding this, each dwelling is provided with a home office for those who wish to enjoy an even more sustainable 'live-work' lifestyle.
- 7.10 For the limited 'scale' of development, the site's location next to the built up part of the village is entirely appropriate. It is also demonstrated that the LPA has recently granted planning permission for a larger cluster of net new housing to the north side of the village - outside of the settlement boundary – and therefore a consistent approach is warranted when considering this scheme. Indeed, the development is of a 'minor' housing scale which should not create the harm identified by the appeal inspector concerning 20 dwellings as previously proposed on the 'whole' paddock. The current site proposes use of only a part of the overall paddock for merely 4 dwellings and should not cause the 'suburbanisation' via a 'large estate' of two storey housing which the inspector alleged.
- 7.11 Government guidance refers to the role of housing in supporting the broader sustainability of villages and smaller settlements. In this respect, the development will bring social and economic benefits, giving greater vitality to Widdington and advantages to the economy and sustainability of the wider rural area (eg other villages around). Government sees new rural housing as 'essential' to support local services. As one example, the development will create a greater pool of customers for the local bus service which comes through Widdington. The 301 bus service has come under threat in previous years but is now more secure and is a facility which the Parish Council are keen to preserve. Accordingly, the applicant intends to offer travel packs giving details of sustainable travel and including bus vouchers to encourage further take up of this local, sustainable travel mode. Furthermore, each dwelling will be provided with charging points to encourage take up of sustainable travel by electric vehicles. Notwithstanding, the LPA will note NPPF policy which states that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The application provides a reasonable and proportionate response to sustainable travel choice in the circumstances

- 7.12 The application has carefully considered issues of character and appearance. The vastly reduced site area and numbers of dwellings can be completely differentiated from the previously unsuccessful appeal scheme for 20 dwellings across the whole paddock. In that appeal scheme, the inspector opined that the overall paddock played what he called a ‘transition’ between the rear gardens and amenity land adjacent to the west of the paddock and the agricultural fields and open countryside to the east. As a large part of the paddock does not form part of the application site, an east to west open ‘transition’ will be retained, undeveloped. Part of this open paddock land is proposed with a new 0.29 acre planted ecology area, to provide further green and sustainable credentials to the development. Whilst the site does include part of the paddock, the scheme is of a low density residential development of merely 4 dwellings and will not impact significantly on the overall ‘transition’, noting that that large rear gardens are also proposed backing on to the retained, undeveloped paddock land.
- 7.13 The scheme would achieve a high quality and legible layout. It proposes a low density, linear form of the development, facing towards Cornells Lane, which is characteristic. The dwellings are bespoke designed by local architects with scale, height, form, materials and features all being carefully selected and to respond to local circumstances. They will be provided with good standards of amenity in terms of spacing, garden areas, driveway and parking provision (for cars and bicycles).
- 7.14 Given the existing vegetation and the significant new tree and hedgerow planting, the development should assimilate within its environment. Visual impact of the development’s built form will be limited from outside of the site due to wider viewpoints being restricted by vegetation, buildings or enclosures. Fencing has been erected to a visual receptor running to the east of the site. Furthermore, cross sections demonstrate that perpendicular views of the dwellings from Cornells Lane would not be possible due to the introduction of a hazel hurdle fence set back in to the site behind retained trees to the site frontage and further softened by new planting.
- 7.15 The creation of a new vehicular access on to Cornells Lane has been kept to a minimal width and does not require footways to its side (due to a new internal link footpath being created). This will lead to a minor loss of the bank (at its lowest point) and some patchy, low quality vegetation. Whilst there may be some glimpses of the development through the new access point, these will be localised and limited. The overall user experience of Cornells Lane, along which other dwellings and residential accesses are evidence to exist, would not be significantly prejudiced.
- 7.16 The vehicular access proposal is shown to meet relevant technical standards in terms of width, visibility, gradient, turning and tracking. Long sections indicate that apart from the access incursion, no loss of the bank along Cornells Lane is required for the visibility splays. Unlike the dismissed appeal scheme for 20 dwellings, the proposed development would not result in a significant increase in the number of journeys made by car.
- 7.17 The development has paid particular attention to addressing issues of climate change and energy efficiency to address Uttlesford DC’s declared Climate Emergency, its recently introduced Interim Climate Change Policy (February 2021) and objectives of the NPPF. An Energy Statement and Sustainability Statement provide detailed responses. **The development will exceed the council’s minimum expectations in terms of reducing carbon emissions, with a 61% saving made over Building Regulations compliance, compared to the council’s 19% target. This means that over 5 tonnes p.a. of carbon dioxide emissions to the atmosphere will be saved, compared to a standard scheme.** The

dwellings will be provided with energy (and water) savings measures, noting proposals for high levels of fabric, air source heat pumps and photo voltaic panels to each dwelling.

- 7.18 A range of other sustainability measures are proposed. One measure includes significant tree and hedgerow planting, as part of the landscape design, which will assist carbon dioxide capture, as well as bringing the potential for significant biodiversity gain enhancements. The proposal will create a sizeable off-site and managed ecological area (0.29 acres), as well as other ecological enhancements stated, enhancing the schemes sustainability credentials and as part of the overall satisfactory response to biodiversity issues, as professionally evidenced.
- 7.19 The Interim Climate Change Policy states the Council is resolute about climate change mitigation and adaptation measures. The Council expects to see the guidance is taken on board and which it states should also help officers in their negotiations to bring forward more climate friendly proposals. The applicant’s response should therefore be seen by the LPA as a key positive for the development. The energy and sustainability measures can be secured by condition.
- 7.20 Given the assessments made in this application, it is clear that the development can be appropriately accommodated at the site, providing notable benefits and a good standard of design. A considered and balanced judgement should conclude that there are no adverse impacts which would “significantly and demonstrably” outweigh the benefits of the development. Therefore, it is respectfully requested that planning permission be granted in accordance with the NPPF’s *Presumption in Favour of Sustainable Development*.