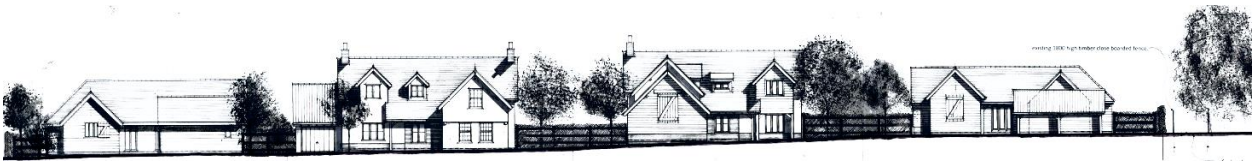




LAND NORTH OF CORNELLS LANE, WIDDINGTON, ESSEX



PLANNING, DESIGN & ACCESS STATEMENT

ERECTION OF 4 NO. DETACHED DWELLINGS AND ASSOCIATED WORKS

FOR DR AND MRS M.TEE

AUGUST 2022

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1.0 INTRODUCTION

- 1.1 This statement accompanies a detailed planning application submitted on behalf of Dr and Mrs M. Tee, owners of the application site.
- 1.2 It provides a justification for a minor residential development scheme on land north of Cornells Lane, Widdington, Essex.
- 1.3 The application proposes the erection of four no. dwellings (including two bungalows and two 'chalet' style houses) and associated works on part of a private paddock. The overall paddock land is attached to the applicant's property at Meadow Cottage, High Street in Widdington.
- 1.4 A previous application (ref: UTT/21/2139/FUL) for 4 dwellings at the same site was recommended for approval by planning officers as set out in the Officer Report to the Planning Committee (Appendix A and Addendum at Appendix B). However, the Planning Committee, at its meeting on 17 March 2022, overturned the professional advice of its planning officers and refused the application. A Transcript of the member debate at the Planning Committee meeting (Appendix C) and the Decision Notice (Appendix D) are attached to this statement.
- 1.5 The applicants were aggrieved by the council's decision. Accordingly, the refused application is subject of a (validated) section 78 planning appeal to the Planning Inspectorate. It is anticipated that a decision on the appeal and any detailed costs application which may be submitted concerning the council's unreasonable behaviour will be made by the Planning Inspectorate in early 2023. Therefore, in accordance with good practice, this revised application allows an opportunity for the LPA and (in turn) the appellants to review their respective positions, before the appeal is determined.
- 1.6 The applicants have reviewed the reasons for refusal concerning the previous planning application and the Member debate at Planning Committee. This revised application puts forward a partially modified scheme and provides additional information comprising 'material considerations'. The applicants consider these matters should lead the LPA to conclude that - under the 'tilted balance' - planning permission should be granted.
- 1.7 The application is supported by technical and professional consultant reports which the LPA had previously considered in respect of application (ref: UTT/21/2139/FUL). These relate to the same (red line) application site area and whilst some elements of the scheme have now changed, the view is taken that the conclusions of those reports remain robust. Some new supplementary reports/information are submitted and in addition, there is further commentary in this statement.
- 1.8 The previous planning application was also supported by a Planning, Design and Access Statement ['PDAS'] dated June 2021 (which is attached at Appendix E). For the most part, the comments in the PDAS are still applicable. However, where there are material updates, plus other information which the applicants wish the LPA to consider, additional comments are made herein. Cross reference is made to the comments in the PDAS to avoid unnecessary repetition in this statement.
- 1.9 Further commentary is set out at Chapter 2 (Site and Context), Chapter 3 (Site Location and Sustainability), Chapter 4 (The Proposed Development), Chapter 5 (Planning Policy and Material

Considerations) and Chapter 6 (Justification for the Development) of this statement. In particular, cross reference is also made to the supporting information submitted in respect of the appeal against the refusal of application UTT/21/2137/FUL. Reference should be made to the Appellant's Statement of Case (Appendix G).

1.10 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. In accordance with the Town and Country Planning Act, a decision on this application must take in to account material considerations, as these should have a large bearing on the LPA's determination of this revised submission.

1.11 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:

- Application Form
- Planning, Design and Access Statement, August 2022 (Springfields Planning and Development)
- Photographs of Site and Context, August 2022 (Springfields Planning and Development)
- Facilities Map, June 2021 (Springfields Planning and Development)
- Access Assessment, Version 2, June 2021 (SLR Consulting)
- Supplementary Technical Note to Access Appraisal, 11 August 2022 (SLR Consulting)
- Proposed Means of Access – Drawing H010 Rev 7 (SLR Consulting)
- Heritage Statement, Version 3, May 2021, (RPS)
- Energy Statement, June 2021 (Abbey Consultants)
- Sustainability Statement, June 2021 (Abbey Consultants)
- Energy Efficiency Note, August 2022
- Preliminary Ecological Appraisal, Rev D, June 2021, (SES)
- Minor Development Biodiversity Validation Checklist, 03 August 2022
- Arboricultural Impact Assessment Report, Rev B, 25 June 2021 (Sharon Hosegood Associates)
- Bus Timetable 301 Service (from 31 July 2022)
- Scheme Drawings (listed below)
- Drawing No: P 5004-03 Rev B – Location Plan
- Drawing No: P 5004-10 Rev C – Proposed Site Layout Plan
- Drawing No: P 5004-11 Rev B – Proposed Floor Plans
- Drawing No: P 5004-12 Rev B – Proposed Elevations (Side Elevations – Plots 1 & 4)
- Drawing No: P 5004-13 Rev B – Proposed Elevations (Side Elevations – Plots 2 & 3)
- Drawing No: P 5004-14 Rev B – Proposed Elevations (Front & Rear Elevations, Plots 1, 2, 3 & 4)
- Drawing No: P 5004-15 Rev B – Proposed Sections
- Drawing No: P 5004-16 Rev A – Infrastructure Layout
- Drawing No: P 5004-17 Rev B – Soft and Hard Landscaping Details
- Drawing No: P 5004-18 Rev A – Viewpoints and Context Plan

2.0 SITE AND CONTEXT

Site Context and Character

2.1 The PDAS at paragraphs 2.1 to 2.12, sets out the site's context and character. The information is correct subject to the following comments:

- the '**Photographs of Site and Context**' document has been refreshed and is dated August 2022
- the large replacement dwelling at Meadowcroft (Church Lane) is substantially completed

Site Description

2.2 The information in the PDAS at paragraphs 2.13 to 2.21 concerning the site description is correct subject to the following updates:

- In discussions, Essex CC have indicated that the Definitive Route of Footpath 17 (which lies adjacent but 'outside' of the red line of the application site) runs south from the applicant's paddock and across the embankment at Cornells Lane, which is Highways Land. However, there are no steps at that point through which to access the footpath (NB - existing steps are sited further east but do not align with the definitive route). Essex CC may therefore need to spend public monies in creating a physical link through the embankment to allow pedestrians to access Footpath 12. The recent destruction by vandals of the applicant's hedge and fence to their eastern paddock boundary has created an 'unauthorised' way through, linking the existing steps at Cornells Lane and Footpath 12, using the applicant's land. The applicant is entitled to reinstate their boundary, which would prevent such link, meaning Footpath 12 (FP17) at its southern end will become a cul de sac until Essex CC has created new steps/access through the embankment and removed any obstructions eg vegetation. However, in connection with the scheme proposals which include an internal footpath, the applicant offers to provide permissive rights across their land to facilitate the link between FP17 and the Cornells Lane steps to be used (see discussion of this benefit later in this statement).

Site Constraints

Trees and Vegetation

2.3 The PDAS at paragraphs 2.22 to 2.27 comments on trees and vegetation. The original **Arboricultural Impact Assessment Report** ('AIA') provides a survey, analysis of vegetation and recommendations for tree protection.

Flood Risk

2.4 As per paragraph 2.28 of the PDAS, the site lies in Flood Zone 1 (low probability of flooding) according to Environment Agency Maps.

Biodiversity

- 2.5 The PDAS sets out comments on biodiversity matters are paragraphs 2.29 to 2.32. The **Preliminary Ecological Appraisal** ('PEA') is resubmitted along with an updated **Minor Development Biodiversity Validation Checklist**. There are no further updates.

Highways and Access

- 2.6 Paragraphs 2.33 to 2.39 of the PDAS provide details of Highways and Access. The original **Access Assessment** is resubmitted. An update to this is submitted in the form of a **Supplementary Technical Note to Access Appraisal**. Further comment regarding Access issues is set out later at Chapter 4 of this Statement.

Heritage

- 2.7 Heritage issues were set out at paragraphs 2.40 to 2.44 of the PDAS. The overall conclusions of the submitted Heritage Statement remain robust, notwithstanding minor changes to the scheme proposals. Supplementary information and analysis of heritage impacts are referred to later in this statement. Reference will be made to the following appendices: Appendix H (Appellant's Statement of Case); Appendix I (Heritage Commentary Map); Appendix J (Views of Conservation Area) and Appendix K (Heritage Gauge).

Planning History

- 2.8 In addition to the comments on Planning History set out at paragraphs 2.45 to 2.48 of the PDAS, there are the following updates:

- Planning Application UTT/21/2139/FUL, concerning a similar scheme for 4 dwellings and associated works at the same site, was submitted to the LPA in June 2021. It was recommended for approval by planning officers as set out in the Officer Report to the Planning Committee (Appendix A and Addendum at Appendix B). Reference to this report should be made to establish the views of professional officers. However, the Planning Committee, at its meeting on 17 March 2022, overturned the professional advice of its planning officers and refused the application. A Transcript of the member debate at the Planning Committee meeting (Appendix C) and the Decision Notice (Appendix D) are appended to this statement.

- The application was refused for the following reasons:

1 The proposed development will result in a significant harmful impact to the character and appearance of the Protected Lane (non designated heritage asset). The need of the development does not outweigh the harm to the historic significance of the site and the protected lane. As such the development is not in accordance with ULP Policy ENV9 and paragraph 203 of the NPPF that considers the balanced judgement required to the scale of any harm or loss of the significance of the heritage asset.

2 The proposed development will not preserve or enhance the character and appearance of the Conservation Area and will result in harmful impact to the setting of the nearby listed buildings, not in accordance with ULP Policies ENV1, ENV2 and paragraph 199 of the NPPF. The public benefits of the

development do not provide sufficient opportunities to enhance their significance or overall outweigh the harm of the proposal, therefore also in conflict with paragraphs 202 and 206 of the NPPF.

3 The proposal would represent an inappropriate form of development within the countryside, having an urbanising effect that would be out of context with the existing pattern of development and harmful to the setting and character of the rural location. The proposal is not in accordance with ULP Policy S7 and paragraph 174 (b) of the NPPF in terms of recognising the intrinsic character and beauty of the countryside.

- This refused application is currently subject of a section 78 planning appeal, submitted April 2022.

- An application for a Certificate of Lawfulness (ref: UTT/22/1523/CLP) was subsequently submitted to Uttlesford DC, in May 2022. The application sought approval for a *'Certificate of lawfulness for the proposed formation, laying out and construction of a means of access to Cornells Lane, in connection with the use of land (up to 14 days per calendar year) for the purposes of the holding of a market'*. The intended purpose of this application was to demonstrate that an access from Cornells Lane in to the site can be lawfully constructed. The means of access proposal (see Drawing H10 Rev 7) in the certificate application is identical in siting to the access in the current (and appealed) planning application concerning 4 dwellings. Furthermore, the access width, visibility splays and gradient were shown consistent with the refused (appealed) application proposal, taking account of the recommended conditions (regarding visibility and width) of the highway authority as set out in its consultation response of 27th October 2021. The certificate application was approved by Uttlesford DC on 25th July 2022 (see Decision Notice at Appendix F). This decision is an important material consideration to the determination of the current application and submitted s.78 appeal (see comments later in this statement).

3.0 SITE LOCATION & SUSTAINABILITY

Widdington - General

- 3.1 Chapter 3 of the PDAS provided information on Widdington's location (paragraphs 3.1 to 3.2) and Local facilities (paragraphs 3.3 to 3.12) including a **Facilities Map** (re-submitted). There are no updates to report.
- 3.2 Information on public transport (PDAS, Paragraphs 3.13 to 3.21) included details of the 301 bus service which runs between Saffron Walden and Bishops Stortford, serving Widdington. There is a key update. Essex County Council has recently confirmed that a revised 301 bus service with new timetable will be effective from 31st July 2022. This follows on from a public consultation and review by Essex County Council of the bus network in Uttlesford The new service is operated by Central Connect (Galleon Travel). The updated **301 Bus Timetable** is submitted.
- 3.3 The bus service makes significant improvements on the previously operated 301 service, with up to 18 (from 12) services per day, these being regular and hourly. It includes earlier departure times from Widdington (starting 0653hrs northbound and 0657hrs southbound) and later arrival times (last buses arriving in Widdington at 2153hrs and 2157hrs). This new service will further improve access to local settlements and facilities (including Saffron Walden County High School) by public transport. It will also enhance the ability for sustainable (and earlier/later) commuting, as the bus directly serves *three* railway stations (Newport, Audley End and Bishops Stortford interchange) lying on the mainline railway between London and Cambridge (also serving Harlow and Bishops Stortford).
- 3.4 Whilst the LPA had not previously objected on the sustainability of the location, it is relevant for this information to be reported given the importance of public transport availability to sustainable housing proposals. Furthermore, an appeal inspector, concerning a refused scheme for 20 dwellings (Planning Inspectorate reference APP/C1570/W/19/3226765) speculated whether the 301 bus service would operate after mid 2021 and commented that 'the timings of the 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'. The newly awarded 301 bus service, including earlier and later departures, addresses the inspector's comments. Note however that his concerns were made against the effects of a greater scale of proposed housing development (20 units) and its related number of residents, as explained at paragraph 37 of that appeal decision. The circumstances are significantly different in this application, as it relates to a minor housing scheme and where public transport is certain and the service has clearly improved.
- 3.5 The PDAS (paragraphs 3.22 to 3.27) gave information on New Housing Development in Widdington, which remains pertinent.
- 3.6 The PDAS commented at paragraph 3.28 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. This opinion is now strengthened by the improved bus services.

4.0 THE PROPOSED DEVELOPMENT – DESIGN AND ACCESS STATEMENT

4.1 The proposal drawings in this application include:

- Drawing No: P 5004-03 Rev B – Location Plan
- Drawing No: P 5004-10 Rev C – Proposed Site Layout Plan
- Drawing No: P 5004-11 Rev B – Proposed Floor Plans
- Drawing No: P 5004-12 Rev B – Proposed Elevations (Side Elevations – Plots 1 & 4)
- Drawing No: P 5004-13 Rev B – Proposed Elevations (Side Elevations – Plots 2 & 3)
- Drawing No: P 5004-14 Rev B – Proposed Elevations (Front & Rear Elevations, Plots 1, 2, 3 & 4)
- Drawing No: P 5004-15 Rev B – Proposed Sections
- Drawing No: P 5004-16 Rev A – Infrastructure Layout
- Drawing No: P 5004-17 Rev B – Soft and Hard Landscaping Details
- Drawing No: P 5004-18 Rev A – Viewpoints and Context Plan

Scheme Evolution

4.2 The scheme evolution up to the point of submitting the previous application (UTT/21/2137/FUL) is set out at paragraphs 4.2 to 4.11 of the PDAS and comments/rationale set out therein are still relevant and help inform the current proposal.

4.3 The proposed development is a revised scheme which has been updated especially to address the reasons of refusal of the previous planning application and comments of councillors made at the Planning Committee on 17 March 2022. The scheme details are set out below, with comments added to show where amendments have been made against the previous scheme under UTT/21/2137/FUL.

Use and Amount

4.4 The planning application seeks approval for a residential use of part of the overall paddock, involving 4 no. dwellings, these being two chalet houses (previously three) and two bungalows (previously one).

4.5 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.

4.6 Plots 1 and 4 will comprise bungalows (3 and 2 beds respectively), 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 (small chalet bungalow replaced with larger chalet dwelling). The application proposals should therefore be seen as a welcome addition

as, almost uniquely to Widdington, they will provide *two new bungalows*, as well as smaller scale housing meeting SHMA identified requirements.

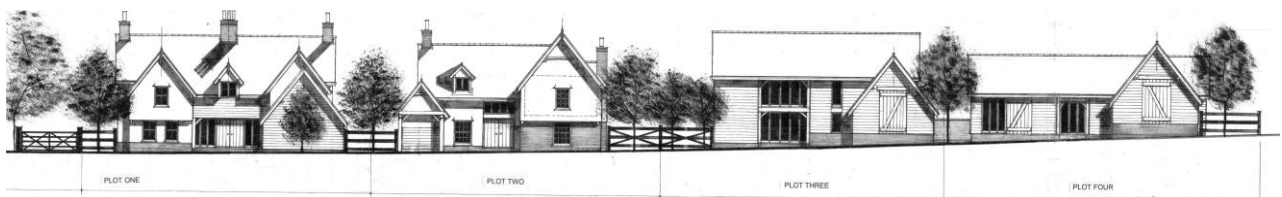
4.7 The locality of the site includes dwellings and residential land uses along High Street (west), Cornells Lane (south) and beyond the site further north (Church Lane). Such context would indicate that a residential use, with a small number of high quality dwellings, is appropriate in this locality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

Scale

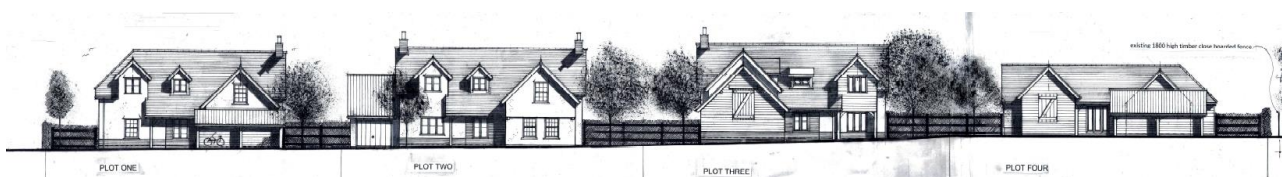
4.8 Assessment of nearby storey heights indicates a mix of storey heights but predominantly comprising 2 storey dwellings, these also include those properties designed in ‘chalet style’ form (ie with first floor accommodation contained in the roofspace). To minimise potential visual impacts, it is considered that the chalet style (1½ storey) dwellings, along with the two bungalows proposed, would be of appropriate scale taking account of other properties in the locality and rising (east to west) land form.

4.9 The scale of the dwellings has been subject of review. The heights of the dwellings in planning application UTT/21/2137/FUL were already shown lower than the scale of those proposed in the previously withdrawn application scheme, where the dwellings reached circa 10m in ridge height. Plots 1, 2 and 3 (1 ½ storey homes) were 7.4m, 7.4m and 7.2m respectively in height to the ridge and Plot 4 (bungalow) was shown 5.5m high to its ridge. The scale of Plots 1 to 4 contrasted with the most southerly four dwellings proposed in the 20 unit appeal scheme, which were of similar broad siting but ridges shown much higher at 8.5m (Plot 1), 8.6m (Plot 2), 8.9m (Plot 19) and 8.9m (Plot 20). Plots 1 to 4 were notably lower in ridge height and similar, eaves heights were lower.

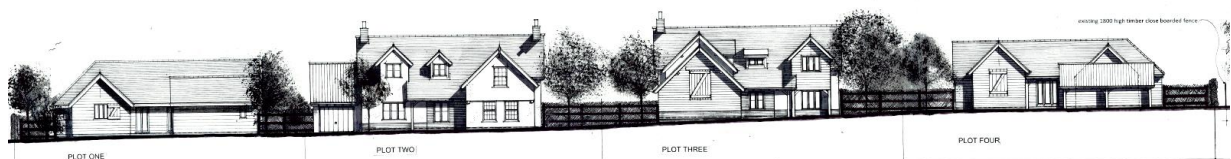
4.10 The current application makes further improvements. Whilst the scale of Plots 2, 3 and 4 remain as before, the scheme reduces the height and scale of Plot 1 from a 1 ½ storey chalet dwelling to a bungalow, helping to address LPA alleged concerns regarding character, appearance and heritage impacts. The streetscene drawings below show the evolution of building scale.



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



Application UTT/21/2137/FUL – Plots 1-4 were reduced in scale, height and bulk and shown lower in ridge height than the four frontage dwellings in the appeal scheme (20 dwellings).



Current proposal – shows reduction in scale of plot 1 from chalet dwelling to bungalow, being lower in scale where closest to the conservation area boundary (which is sited some distance further west) and proposed access (sited some distance south-west)

Design and Appearance

- 4.11 Plots 2 to 3 are designed as traditional style cottages (previously shown at Plots 1, 2 and 3). Plots 1 and 4 (previous scheme was just Plot 4) form 'barn style' single storey dwellings, to reflect an agrarian nature of the farmland lying beyond the eastern end of the site.
- 4.12 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.
- 4.13 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
- 4.14 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
- 4.15 It is noticeable how much the general arrangement and feel of the proposed scheme follows principles that the council's Principal Urban Design Officer supports. The council is currently consulting on a new Design Code. Jack Bennett, Uttlesford District Council's Principal Urban Design Officer, in the council's promotional video of 1 August 2022 regarding the Uttlesford Design Code project states, *"Some developments that I personally really like in Uttlesford...This is Thorpe Lea Close on the edge of Great Chesterford... [see picture extract below]*

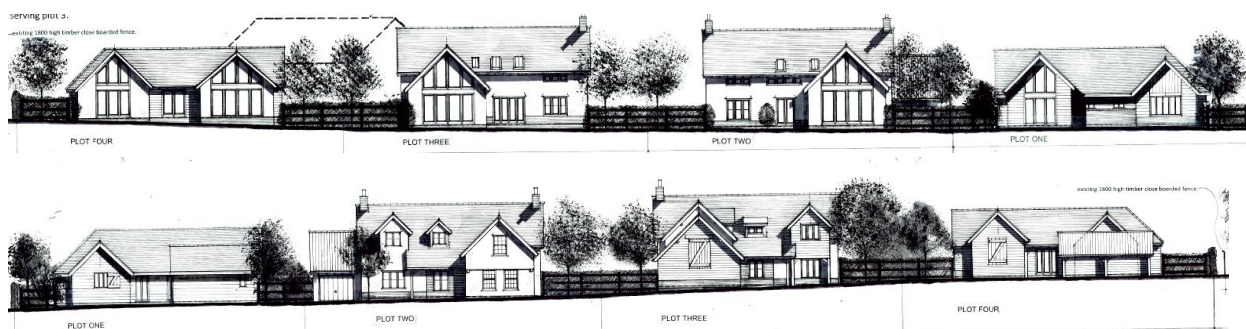


New dwellings at Thorpe Lea Close, Gt. Chesterford

.... I really like it has a soft green edge facing the open countryside rather than hard fencing. They've achieved this by hiding the fence within the hedgerow and making sure the hedge is properly planted. I also like the variety of roof materials and the variety of features including the gable roofs which are the pointy bits and the dormers which are the little windows in the roof".

Source: Jack Bennett, Uttlesford District Council's Principal Urban Design Officer

- 4.16 The variety of roof features (eg gables and dormers) and materials seen on the Great Chesterford scheme (above) are also evident on the proposed application scheme at Cornells Lane (see rear and front elevations, below).



- 4.17 Furthermore, the boundary post and rail fences are proposed to be bordered by new native hedgerow/trees and also there will be a new large ecology area to the north side of the rear gardens/fences with new planting.
- 4.18 The properties at Plots 2 to 3 are designed to meet family requirements, whereas the bungalows at Plots 1 and 4 are more 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.
- 4.19 The dwellings are designed to ensure they are adaptable and accessible. Turning circles for wheelchairs are indicated on the floorplans. Plots 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

- 4.20 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. By contrast the LPA's recent refusal alleged such development was 'out of context with the existing pattern of development', this being a Planning Committee decision contrary to officer advice. The dwellings are arranged facing Cornells Lane which runs along the southern boundary. They will be served by an internal private drive running broadly parallel with Cornells Lane but separated from it by existing vegetation and significant new tree planting.
- 4.21 All of the dwellings will have tree/hedge planting. Plot 1 is now show with double depth hedgerow to its south and west sides. Plots are arranged with spacious garden and curtilage areas for private amenity, well in excess of the usually expected 100sqm minimum gardens. Planning Committee had queried garden sizes at the last meeting. For clarity the private amenity (rear garden) sizes are shown

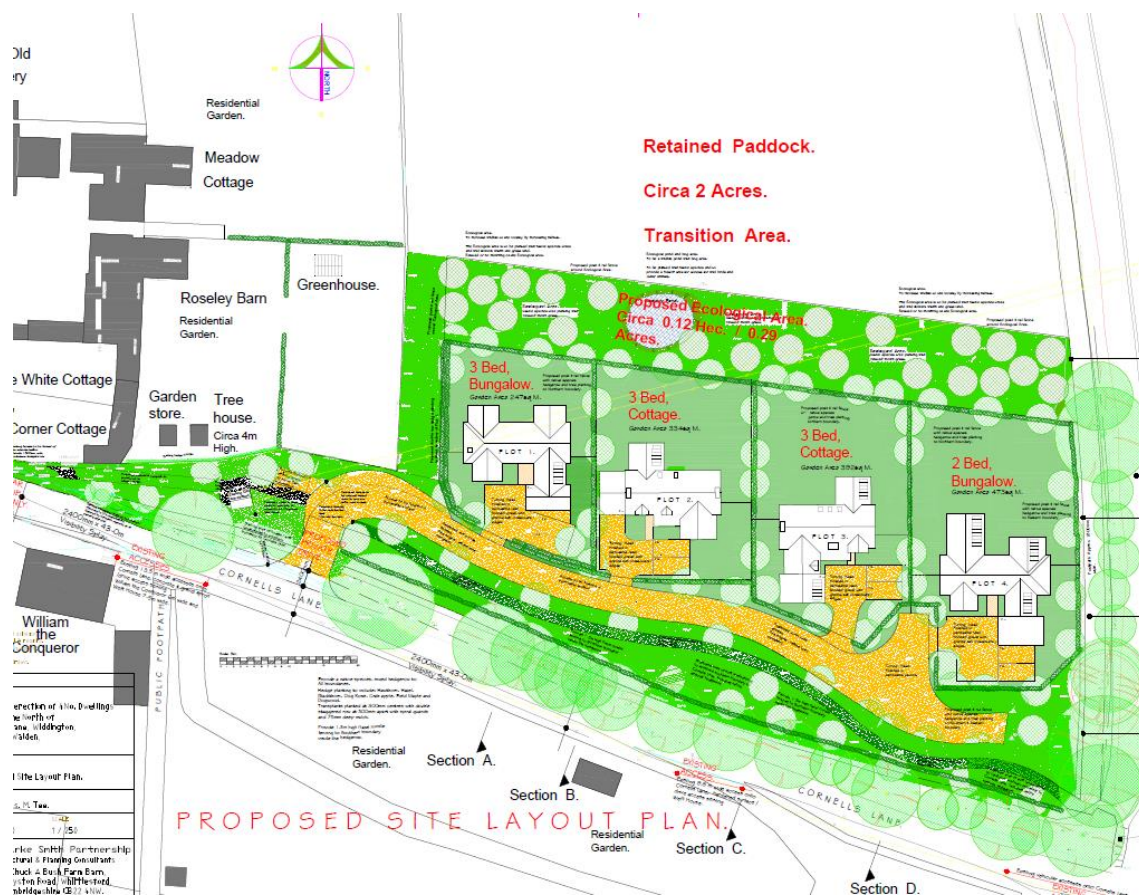
on the Proposed Site Layout Plan and listed below. The garden sizes increase in area heading eastwards (away from the village core) as they get closer to the paddock boundary with farmland.

Proposed Private Amenity Areas			
Plot No.	Size	Essex CC Design Expected Size (min)	Guide
Plot 1 (3 beds)	247 sqm	100sqm	
Plot 2 (3 beds)	334 sqm	100sqm	
Plot 3 (3 beds)	392 sqm	100sqm	
Plot 4 (2 beds)	473 sqm	50sqm	

- 4.22 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.
- 4.23 The driveway allows for individual accesses to each plot, these being provided with adequate parking areas and turning. Members of the Planning Committee on 17 March 2022 had queried whether parking was adequate for the plots including for visitors and what the size of parking spaces were. Details are as follows:

Proposed Car Parking for Plots 1 to 4		
Plot No.	Identified on- plot parking spaces (open or in cart lodges) at least 2.9m by 5.5m	Essex CC Minimum Requirements for 3 bed dwellings
Plot 1	3	2 + 0.25 visitor space
Plot 2	3	2 + 0.25 visitor space
Plot 3	3	2 + 0.25 visitor space
Plot 4	3	2 + 0.25 visitor space
Total	12	9

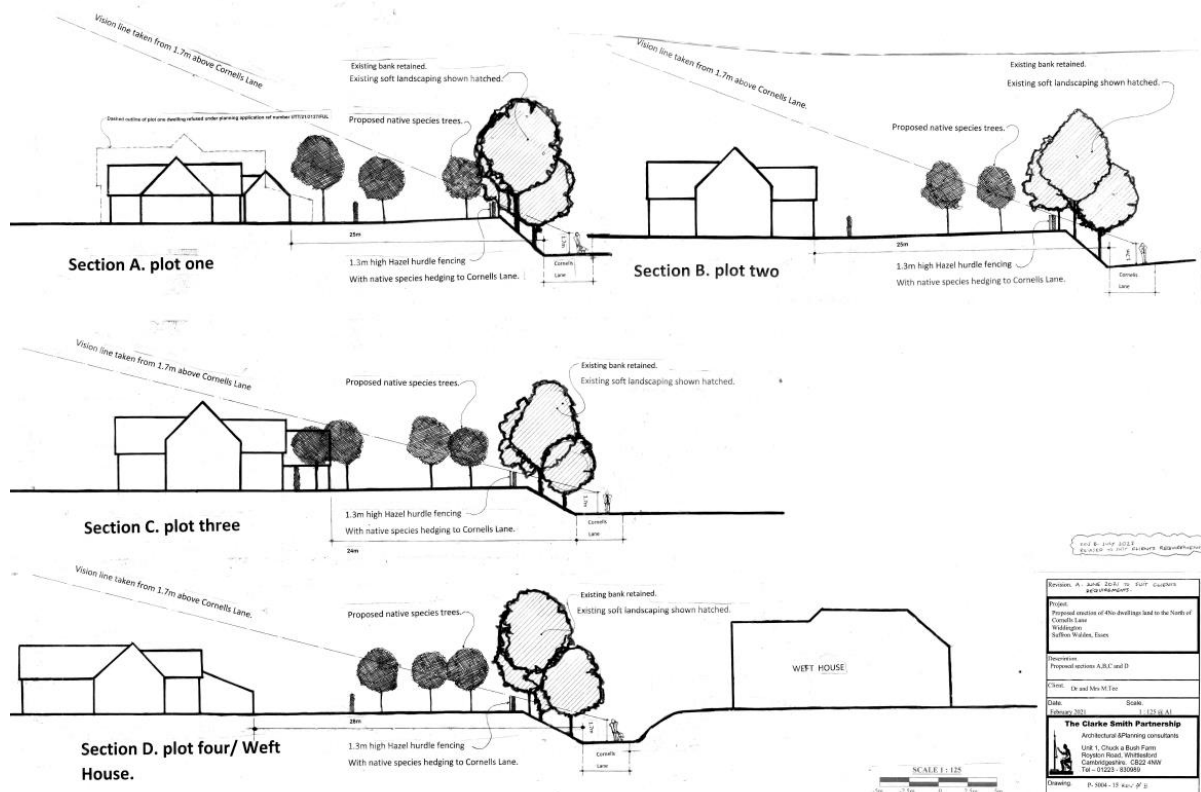
- 4.24 It will therefore be seen that parking provision for these dwellings exceeds Essex CC's minimum number and space standards. In practice the size of the hard surfacing with plots could accommodate more cars if required but the private driveway at 4.4m wide serving the development is also available to park cars on (if *exceptionally* required) also allowing other cars to pass.
- 4.25 These parking will have appropriate hard surfacing, proposed in permeable resin bonded gravel with granite set crossovers /edges. This surface material is a change from the previous scheme which showed permeable paving upon private plot driveways. This change will provide some variety in appearance and contrast with the main private drive from Cornells Lane (which remains proposed in permeable paving).
- 4.26 Cart lodges and covered stores will provide for cycle storage as shown on the plans, to meet relevant requirements.
- 4.27 A parking space is provided for a maintenance vehicle in relation to the site's sub station.



Proposed linear layout, facing towards Cornell's Lane, served by private driveway with new permissive footpath linking to High Street and public rights of way. Spacious plots 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 (Cornell's Lane to Church Lane) to the High Street and provide a safe route for pedestrians, noting that no separate pedestrian footway exists along Cornell's Lane where fronting the site. A permissible link across the applicant's other land could also be established facilitating informal access from/to the steps at Cornell's Lane to the public footpath, as its definitive line does not currently connect to the steps for reasons explained earlier in this statement. Such linkage (which was recently created by vandals and then used by the public) if delivered would therefore be a 'benefit' and could potentially be secured via a planning condition.
- 4.29 The western section of the new footpath through the site will utilise the existing paddock maintenance access, being provided with a suitable hard surface (of high quality suitable to a conservation area/setting), linking to the adopted footway running alongside Cornell's Lane close to the High Street junction.
- 4.30 Due to the need to accommodate existing trees along Cornell's 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 24m to 28m approximately. The siting of dwellings also respects residential amenity, with the nearest dwellings being some distance away from Plot 1, including White Cottage (at c.65m), Roseley Barn (at c.45m), William the Conqueror (at c. 53m). Weft House is closest to Plot 4 on the opposite side of Cornell's Lane 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. The excavation of the bank to allow for the access works will take place under arboricultural supervision to minimise impact on the tree. The extent of earthworks is potentially sensitive and need to restrict these (for the access) will be made clear to the contractor.
- 4.34 A 1.3m high hazel hurdle fence is proposed toward the southern part of the site, with hedgerow immediately 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. Even without such provision, the siting of the dwellings some way back from the embanked and landscaped site frontage means that they would lack any prominence from Cornells Lane and to varying extents being of limited visibility.



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

- 4.35 The potential impacts upon existing vegetation were previously considered in the submitted **Arboricultural Impact Assessment Report** which commented 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".

- 4.36 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.

Access

- 4.37 The proposed vehicular access to the site would require an incursion within Cornells Lane. Its location and specification significantly differs from the 20 unit appeal scheme access. 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.
- 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 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.

4.42 The originally 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.*

4.43 This revised application is updated by a **Technical Note (SLR Consulting, August 2022)**. From this it will be understood that the proposed means of access is substantially the same as that proposed in the previous application UTT/21/2137/FUL, which the highway authority and LPA did not object to, subject to conditions. One of those conditions related to gradients. Accordingly the access has been updated to show the recommended gradient of 1:12.5 for the first 10 metres.

4.44 Further to comments at Planning Committee, some additional details of the access have been prepared, as set out on submitted **Drawing H10 Revision 7 (Proposed Means of Access)**. This shows an indicative area of banking to be retained, formed or graded as required for the access and is subject to detailed design. It also indicates that there would be edging or retaining structures further along the private drive, details of which can be agreed via conditions.

- 4.45 It will be noted that this is the same as the means of access which benefits from a Certificate of Lawfulness granted under application UTT/22/1523/CLP by Uttlesford DC on 25 July 2022. Accordingly the works shown on that drawing can be implemented as the LPA deems them lawful.
- 4.46 Notwithstanding, the applicants have also considered the potential, as an alternative proposal, for re-using the existing paddock access to serve the proposed development, following comments raised by Planning Committee. Drawing H011 (Assessment of Existing Access Potential) shows the potential to achieve a 3m wide access with a passing place (total 4.8m wide). It also shows the widening of the entrance to improve accessibility out of/into the site from the easterly direction (likely to be rare manoeuvres, as Cornells Lane is not a through road). Full visibility splays cannot be achieved due to existing roadside vegetation and buildings.
- 4.47 Given the potential difficulties in highway terms of re-using/upgrading the existing access, the application continues with the original proposal complete with gradient (to meet ECC Highway recommendations) as also clarified by the indicative banks either side of the entrance. Apart from the access works to implement the means of access as shown on Drawing H010 Revision 7 no further works would be necessary within Cornells Lane.

Ecology

- 4.48 The proposals have carefully considered the potential impacts upon biodiversity, including measures intended to provide significant net biodiversity gain.
- 4.49 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.
- 4.50 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.
- 4.51 **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.
- 4.52 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.***

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

Sustainability: Climate Change and Energy Efficiency

4.54 The previous application proposals were designed to address the Climate and Ecological Emergency declared by Uttlesford DC in 2019 and council's Interim Policy regarding Climate Change (February 2021). Input was received from Abbey Consultants (Southern) Ltd, a specialist environmental and energy consultancy. They advised on the design proposals and provided reports in the form of resubmitted documents entitled **Energy Statement** and **Sustainability Statement**.

4.55 Reference should be paid to these reports and the summary comments in the PDAS at paragraphs 4.49 to 4.54. The conclusions of those reports are still substantially relevant to the current application,

although the overall energy efficiency calculations will need to be updated because of the design changes to Plot 1.

- 4.56 The **Energy Efficiency Note (August 2022)** provides summary tables for Plots 2-4 (excluding the revised Plot 1) using data from Energy Statement (June 2021). These show that even with the exclusion of Plot 1 the scheme is still achieving a CO2 saving of 4.15 tonnes/year when compared to a gas baseline. This represents a 63.69% improvement over 2013 Building Regulations for those three plots.
- 4.57 The applicants are therefore committed to making significant energy efficiency savings in accordance with the LPA's interim policy and for these to be secured by planning condition. This would ensure **at least a 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, to be achieved by improved fabric efficiency, air source heat pumps and photo voltaic panels to each dwelling. However, as can be seen from calculations for plots 2, 3 and 4, the applicants are aiming for much higher savings.
- 4.58 Furthermore, as set out in the supporting documentation, the sustainable design of the development intends to address the following matters which can be subject of planning conditions as required :
- 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

Heritage

- 4.59 The previous application was accompanied by expert's **Heritage Statement**, with summary comments provided in the PDAS at paragraphs 4.55 to 4.56. The design changes to the current application scheme have little bearing on the overall conclusions of that report, with the three key points being:
- The proposed development will 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.
 - The significance of all listed buildings potentially affected by the proposed development will be preserved
 - 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 ('protected lane').

- 4.60 Whilst planning officers recommended approval of the previous application, the Planning Committee overruled this and refused the application, including on heritage grounds.
- 4.61 The applicants have challenged the heritage reasons for refusal in the submitted planning appeal. A reasonably comprehensive analysis is provided as set out in the submitted **Appellant’s Statement of Case** [‘ASOC’] (Appendix G). The comments made in the ASOC are substantially applicable to the current application, despite the scheme revisions made and as such the LPA is requested to take these in to account.
- 4.62 Chapter 7 of the ASOC provides a ‘*Rebuttal of Reason For Refusal 1 (Rfr1) – Protected Lane*’. This cross refers to its Appendix 23 ‘*Views along Cornells Lane towards proposed access*’ (Appendix H) demonstrating the minimal visual impacts of the proposed access on approach from the east and west of Cornells Lane.
- 4.63 Chapter 8 of the ASOC provides a ‘*Rebuttal of Reason for Refusal 2 (Rfr2) – Listed Buildings & Conservation Area*’. This cross refers to various appendices providing additional information, as follows:
- The ASOC’s Appendix 26 provides a ‘*Heritage Commentary Map*’ (Appendix I) which evidences a large transition area rear (north of) the site and east of the Conservation Area, which will remain in place
 - The ASOC’s Appendix 27, entitled ‘*Views of Conservation Area*’ (Appendix J), indicates where (currently) available views from the footpath to the eastern edge of the paddock can be taken. It demonstrates that an open view is available across the wider paddock land (which will not be developed) to the back of properties in the High Street, marking the edge of the Conservation Area. The proposed development of 4 dwellings will not materially impact on such viewpoint, as evidenced and as can be ascertained at a site visit.
 - The ASOC’s Appendix 28 provides a ‘*Heritage Gauge*’ (Appendix K) which in simple table form sets out heritage related comments in relation to the 4 unit appeal scheme , summary levels of impact on listed buildings as assessed by the appellant, the council’s consultee and the LPA’s planning officers. It will be seen that there was substantial agreement on (low or no) levels of harm to listed buildings between the appellants and the council’s professional planning officers. Similarly that the levels of harm upon the Conservation Area were at the low end of the scale. Comments from the inspector concerning the 20 unit scheme subject of an appeal also provide useful background.

Rural Character – Additional Comments

- 4.64 Chapter 9 of the ASOC provides a ‘*Rebuttal of Reason for Refusal 3 (Rfr3) – Countryside*’ which the LPA is asked to take account of. The comments made therein are substantially applicable to the current application as well. Paragraphs 9.2 to 9.21 provide important information on character. Some key comments to note include:

- The siting of the dwellings would be compatible with the more twentieth century, piecemeal development within Widdington and also the more linear approach of development along Cornells Lane that has evolved over time. The location of the proposed development follows the evolution of Cornells Lane which includes a number of dwellings built over time and mainly in a linear layout that are compatible with the historic routes through the village
- In relation to a previous appeal for 20 units, the inspector's previous concerns have now been substantially addressed in respect of the suitability of the site's 'countryside' location
- a substantial paddock area between the appeal site and the northern paddock boundary will be maintained as grassland and a newly proposed open ecology area (a 'transition area')
- all dwellings are proposed as low in scale and appropriate to a village, as chalets or bungalows
- There should be no wider landscape impacts
- There are no urbanising effects eg adopted roads/footways, street lights, etc
- approximately 50 new trees and nearly half a kilometre of new hedgerows are proposed to be planted
- the countryside will benefit from the significant ecological enhancements for biodiversity net gain

5.0 PLANNING POLICY AND MATERIAL CONSIDERATIONS

- 5.1 The application falls to be determined subject to the provisions of Section 38(6) of the Planning & Compulsory Purchase Act 2004. This requires that the determination of an application for planning permission must be made in accordance with the development plan unless 'material considerations' indicate otherwise. This approach is reiterated at Paragraph 47 of the National Planning Policy Framework (NPPF/The Framework).
- 5.2 This Chapter therefore considers the adopted Local Plan. It also comments briefly on SPDs/SPGs and the emerging Local Plan.

Uttlesford Local Plan ('the Local Plan') adopted 2005

- 5.3 The Local Plan is the relevant Development Plan.
- 5.4 It was adopted by Uttlesford District Council on 20th January 2005 and only covers the period to 2011. The Council made an application in July 2007 to 'save' the policies in the Uttlesford District Local Plan. The Secretary of State's direction in respect of this request was received in December 2007. All the policies except two, which relate to completed development sites in Takeley, have been saved.

Local Plan Housing Policy

- 5.5 The Local Plan was predicated on the basis of the housing requirements contained in the Essex and Southend on Sea Replacement Structure Plan 2001. The Structure Plan was extant at the time of adoption of the Local Plan but has ceased to be part of the Development Plan. It was largely replaced by The East of England Plan 2008 (Regional Spatial Strategy 14) with more up to date housing requirements (backdated to 2001). However, the East of England Plan was itself revoked in January 2013. The Local Plan - including its housing strategy - is therefore founded upon strategic planning policy documents which no longer exist and were formulated prior to The Framework (2012), as now amended in 2021.
- 5.6 There is no 'up to date' housing requirement in the adopted Local Plan, simply because its housing requirements are based upon the long since revoked Structure Plan. The Local Plan at Policy H1, which concerns Housing Development, confirms that, "*the Local Plan proposes 5052 dwellings for the period 2000 to 2011..*".
- 5.7 **The adopted Local Plan therefore only has a time horizon for providing housing until 2011.**
- 5.8 In a recent planning appeal (see PDAS, paragraphs 6.9 & 6.10), an inspector stated,

'there can be little doubt that the LP [Local Plan] 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'.

- 5.9 The LPA is unable to demonstrate a 5 year housing land supply. Given the circumstances of the Local Plan and lack of housing land supply, a legitimate opportunity arises in this application to help address the council's housing need.
- 5.10 Policy H1 is a Housing Supply policy and thus is a 'most important' policy (in terms of NPPF Paragraph 11) concerning this appeal given that the proposal concerns new housing. However, the policy should be treated as 'out of date' or 'not up to date', due to the time horizon of the Local Plan housing allocations and the inadequate housing land supply situation in Uttlesford.
- 5.11 The LPA itself recognises within its Local Plan NPPF Compatibility Assessment July 2012 that Policy H1 is "not consistent" with the NPPF (2012 version, now 2021).

[Site Designations and Related Policies](#)

- 5.12 The following Local Plan site designations and policies are relevant:

[Policy S7 \(Countryside\)](#)

- 5.13 The site (apart from the south-westerly nib of land at the start of the existing access) lies outside of the Development Limits of Widdington and is thus defined as Countryside within the Local Plan 2005 Proposals Map to which Policy S7 (Countryside) of the Local Plan applies. The Development Limits are demarcated by the black line on the Widdington Inset Map as taken from the adopted Local Plan.
- 5.14 Policy S7 is a 'most important policy' (NPPF, Paragraph 11) in determining the application. For reasons set out, the policy is deemed out of date and of limited weight.
- 5.15 The site is evidenced in the policy small text as being located within a 'Rural *Restraint Area*' as described at paragraph 2.2.8 of the Local Plan to which Policy S7 applies.
- 5.16 Policy S7 is aimed at preventing most forms of new development from occurring in 'Countryside' location, because of its strict 'protectionist' approach. **The policy is unduly restrictive and does not reflect Government Policy regarding sustainable growth and boosting housing supply.**
- 5.17 Also, the supporting paragraph at 2.2.8 explains that any development beyond development limits must be consistent with national policy. National Planning Policy has markedly changed since March 2012 following the inception of the National Planning Policy Framework (NPPF).
- 5.18 For the above reasons Policy S7 is **not up to date**, when compared with national planning policy. The acknowledged lack of compliance with national policy objectives and (limited) weight to be afforded to it is material to addressing one of the reasons for refusal in the previous application.

[Policy ENV9 \(Historic Landscapes\)](#)

- 5.19 Another 'most important policy' (NPPF, Paragraph 11) in determining the application is Policy ENV9 which concerns a range of 'Historic Landscapes', in this case including the 'Protected Lane' which runs the whole (circa 2km) length of Cornells Lane and therefore includes the southern highway frontage of

the site. A small part of the Protected Lane designation is shown in yellow on the Widdington Inset Map in the adopted Local Plan.

- 5.20 Policy ENV9 is also an *out of date* policy and therefore of *restricted weight* in determining this application.

[Policy ENV1 \(Design of Development within Conservation Areas\)](#)

- 5.21 Only the site's south-westerly nib of land, at the start of the existing access, lies within the Widdington Conservation Area. This part of land also lies within the Development Limits of the village. The Conservation Area boundary is demarcated by a red line with red triangles on the Widdington Inset Map.

- 5.22 Therefore **the majority of the site does not lie 'within' the Conservation Area**. It is clear from the 'title' of the policy however that it relates to development 'within' Conservation Areas. Therefore, this Development Plan policy, overall, has little relevance to the application as no buildings are proposed within the Conservation Area. Notwithstanding, development outside but affecting the Conservation Area is a consideration under legislation and national policy.

[Policy ENV2 \(Policy ENV2 - Development affecting Listed Buildings\)](#)

- 5.23 There are no listed buildings upon the site, although some are within the 'vicinity' at various/significant distances away from proposed key built development. An assessment against this policy, related legislation and national policy is referred to later in this Statement.
- 5.24 Apart from those policies cited in the decision notice for application UTT/21/2137/FUL (ie S7, ENV1, ENV2, ENV9) the LPA did not refuse that application against other policies reported to the Planning Committee. Therefore, unless the revised application is materially worse than before, then the development should be deemed compliant (ie not in conflict) with them. The policies concerned are:

- Policy GEN1 - Access
- Policy GEN2 - Design
- Policy GEN3 - Flood Protection
- Policy GEN4 - Good Neighbourliness
- Policy GEN5 - Light Pollution
- Policy GEN6 - Infrastructure Provision to Support Development
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy ENV3 - Open Space and Trees,
- Policy ENV8 - Other Landscape Elements of Importance for Nature Conservation
- Policy ENV13 - Exposure to Poor Air Quality

[Supplementary Planning Documents and Guidance](#)

- 5.25 Similarly a range of non-statutory policies eg Supplementary Planning Documents (SPD's) and Guidance were considered by the council in the previous application against which the LPA raised no

objection. These documents are set out below and it should therefore be deemed that the application is acceptable in consideration of these unless this revised application is materially worse than before.

- Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
- Widdington Conservation Area Appraisal and Management Proposals (2013)
- Widdington Village Design Statement (2009)
- Uttlesford Protected Lanes Assessment (2012)
- Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Parking Standards (2009)
- Supplementary Planning Document- Accessible homes and play space homes
- Essex Design Guide
- Uttlesford Interim Climate Change Policy (2021)

5.26 Of particular note, following on from the council's declared Climate and Ecological Emergency in 2019, is the Uttlesford Interim Climate Change Policy (2021) which encourages applicants to deliver development which addresses climate change through a range of initiatives. These include, for example, aiming to deliver energy efficient housing which exceeds the (2013) Building Regulations by 19%. It also seeks ecological provision. As explained, the scheme proposes to meet the terms of this interim policy to which *weight should be given*.

5.27 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.'*

5.28 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.'*

5.29 The Widdington Village Design Statement [VDS] (2009) also acknowledges the potential for housing development in the form of village extension to the east of the village along Cornells Lane. The VDS, which is non statutory and now quite dated, states at Page 18 that,

'There is little scope for development except for extending the village outwards in the south beyond Wood End, in the east along Cornells Lane, in the north beyond Springhill and in the west along Hollow Road towards the Carr and Bircher pit development'.

Page 20 states that,

'Future development should be confined to suitable infill beyond development limits or village extension rather than creating separate estate development outside the village boundary'.

National Planning Policy Framework (NPPF)

- 5.30 The National Planning Policy Framework (NPPF) 2021 brings a Presumption in Favour of Sustainable Development.
- 5.31 **Paragraph 2** confirms that the NPPF ‘must be taken into account in preparing the development plan, and is a material consideration in planning decisions’. At **Chapter 2** of the NPPF (Achieving Sustainable Development) **Paragraph 7** states ‘the purpose of the planning system is to contribute to the achievement of sustainable development’.
- 5.32 **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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*
- 5.33 **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 (paragraph 11)’.
- 5.34 **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:
- ‘c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), 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 (7); 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.’*
- 5.35 The Presumption in Favour of Sustainable Development is not disengaged by the caveats listed section 11 d) i) and its footnote (7). Footnote (8) is pertinent as it concerns housing supply issues. It comments on the policies which are most important for determining the application are out-of-date and states:

'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...'

- 5.36 The “most important Development Plan policies” in this case are out of date:
- In respect of Policy S7 (Countryside), this policy is out of date for several reasons but in particular due to the fact that the LPA cannot demonstrate a five year supply of housing land.
 - Policy H1 (Housing) is out of date given that it only made housing allocations until 2011
 - Policy ENV9 (Historic Landscape) is also an out of date policy, being out of kilter with the NPPF.
- 5.37 **Paragraph 38** states *'Local planning authorities should approach decisions on proposed development in a positive and creative way....Decision-makers at every level should seek to approve applications for sustainable development where possible*'. The application scheme shows a sustainable development (as was the case in the previous application, as acknowledged by planning officers who recommended approval).
- 5.38 Another key part of the NPPF relevant to this application (which puts forward a housing scheme) is Government policy at **Chapter 5** for 'Delivering a sufficient supply of homes'. **Paragraph 59** advises of the Government's objective of significantly boosting the supply of homes and the need to avoid unnecessary delay. This scheme assists the stated objective.
- 5.39 **Paragraphs 68 to 73** concern 'Identifying land for homes'. **Paragraph 68** requires planning policies to identify a sufficient supply of sites. This should include a specific, deliverable sites for years one to five year plan period, as well as sites or broad locations for growth in years 6-10 and where possible 11-15 of the plan. The council's adopted Local Plan (2005) only has a time horizon for delivery of housing until 2011, so fails miserably in this respect.
- 5.40 **Paragraph 69** 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. To promote the development of a good mix of sites local planning authorities should: c) support the development of windfall sites through their policies and decisions..'. In this case, the site is small scale and is a windfall site so is compliant with NPPF paragraph 69. Based on the council's 5-Year Land Supply Statement and Housing Trajectory Status as at April 2021, Uttlesford DC is particularly reliant on windfall developments in the coming years.
- 5.41 **Paragraphs 74-77** concern 'Maintaining supply and delivery' of housing. **Paragraph 74** states that, 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing...'. The LPA is unable to demonstrate a deliverable 5 year housing land supply (currently 3.52 years).
- 5.42 **Paragraphs 78-80** concern 'Rural Housing'. **Paragraph 78** advises that: 'planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.' **Paragraph 79** 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.' The appeal location is compliant in this respect. **Paragraph 80** states that planning decisions should

avoid the development of 'isolated homes in the countryside'. The LPA has not previously alleged that the site is 'isolated'.

- 5.43 **Chapter 6** of the NPPF concerns 'Building a strong, competitive economy'. **Paragraph 81** states that, 'significant weight should be placed on the need to support economic growth and productivity'. There will be some economic benefits arising from the construction and subsequent occupation of the site, as set out later in this statement.
- 5.44 **Chapter 8** of the NPPF (Promoting health and safe communities) sets out at **Paragraph 92** that planning decisions 'should aim to achieve healthy, inclusive and safe places..', which the scheme proposes.
- 5.45 **Chapter 9** of the NPPF concerns 'Promoting Sustainable Transport', including public transport. **Paragraph 105** 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'. **Paragraph 110** requires (inter alia) seeks to ensure that 'a) appropriate opportunities to promote sustainable transport modes can be – or have been - taken up, given the type of development and its location'; and that 'b) safe and suitable access to the site can be achieved for all users'. **Paragraph 111** advises that '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'. The site is in proximity to regular public transport and the previous application scheme was not refused on highway safety grounds by the LPA.
- 5.46 **Chapter 11** of the NPPF is entitled 'Making effective use of land'. **Paragraph 119** states that, 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. **Paragraphs 124-125** concern 'Achieving Appropriate Densities'. **Paragraph 124** states that planning decisions should 'support development that makes efficient use of land, taking into account (inter alia) of a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; and e) the importance of securing well-designed, attractive and healthy places. The amount and low density of development is cognisant of this policy, noting the need for different types of housing and the importance of attractive places.
- 5.47 **Chapter 12** provides policy concerning 'Achieving well-designed places'. The scheme pays significant regard to the Government policy objectives regarding design. **Paragraph 126** states that, 'The creation of high quality, beautiful and sustainable 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'. Such well designed and beautiful buildings and a place will be delivered. **Paragraph 130** requires decisions to ensure developments to meet various design criteria eg: will add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are 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. The proposals meet these criteria.

- 5.48 **Paragraph 134** states that, ‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.’. In this case the development is well designed, reflecting NPPF policy, Local Plan design policies and those in the Widdington Design Statement.
- 5.49 **Chapter 14** of the NPPF (Meeting the challenge of climate change, flooding and coastal change) provides inter alia policies on flood risk. **Paragraph 159** advises that, ‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk’. The site however is in a low risk flood zone (Zone 1) with low probability of flooding.
- 5.50 **Chapter 15** (Conserving and Enhancing the Natural Environment) concerns matters such as flood risk, climate change, landscape impact, agricultural land, contamination, biodiversity and geology. In this case, of particular note is the proposal to deliver:
- climate change friendly development with proposed substantial carbon dioxide savings as a result of energy efficiency measures;
 - significant new vegetation allied to retained planting and sensitive design to address landscape issues and;
 - scope for significant biodiversity net gain.
- 5.51 The proposals include significant measures for addressing climate change through sustainable design, energy efficient housing and notable ecological enhancements.
- 5.52 **Paragraph 174** states 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. The site does not comprise a ‘valued landscape’. It contains some vegetation at boundaries which will be retained (bar access incursion) along with retention of adjacent paddock land, to help recognise the intrinsic character and beauty of the countryside. Impacts on biodiversity are limited and there will be net gains for biodiversity.
- 5.53 **Chapter 16** (Conserving and enhancing the historic environment) contains various policies in relation to how development should take account of designated and non-designated heritage assets. Regarding Conservation Areas and designated heritage assets NPPF **Paragraph 199** 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’. **Paragraph 202** 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.’ **Paragraph 206** states, ‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’. In respect of non-designated heritage assets, **Paragraph 203** requires that, ‘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.’

- 5.54 A detailed commentary on this matter against policy and relevant legislation is provided at Chapters 7 and 8 of the ASOC (Appendix G). It considers the original scheme against its potential impacts upon the local Protected Lane (a non-designated heritage asset) and listed buildings and the Conservation Area (designated heritage assets), taking account of NPPF policy, Local Plan policy and legislation. Whilst the latest application scheme is partly modified the comments of the ASOC are substantially applicable.

6.0 JUSTIFICATION FOR THE DEVELOPMENT

- 6.1 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. This Chapter therefore comments on compliance with the pertinent Development Plan ie Uttlesford Local Plan.
- 6.2 An important material consideration includes national planning policy (the NPPF) and how the application complies with this.
- 6.3 Another key material consideration is the recent grant of a Certificate of Lawfulness for the means of access to the site.
- 6.4 Furthermore, the previous assessments of the Local Planning Authority in respect of planning application no. UTT/21/2137/FUL are a material consideration, as such proposals share some commonality with the current application scheme.

Applying the Presumption in Favour of Sustainable Development

- 6.5 The NPPF states that, '**decisions should apply a presumption in favour of sustainable development**'. It states at (d) 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.'***

- 6.6 The NPPF clarifies in the footnote to Paragraph 11 (concerning policies which are out-of-date) that '*this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites*'.
- 6.7 The LPA is currently unable to demonstrate a 5 year housing land supply. In this respect alone the Presumption in Favour of Sustainable Development is engaged viz-a-viz '*the policies which are most important for determining the application are out-of-date*'. This means that one of the most important policies for determining this appeal - Local Plan Policy S7 (Countryside) - which is cited as a reason for refusal is out of date. Also, Policy H1 (Housing) is out of date given that it only made housing allocations until 2011 and Policy ENV9 (Historic Landscape) is out of date, being out of kilter with the NPPF.
- 6.8 Policy S7 is not fully compliant with the NPPF (regardless of the housing supply situation) being overly restrictive. It takes a protectionist rather than supporting sustainable development in the rural areas. Policy S7 has also been considered by planning inspectors, including at recent Public Local Inquiries.

The appeal decisions confirm that Inspectors have afforded conflict with Policy S7 limited weight. The policy is part of an Local Plan adopted in 2005 which an appeal inspector recently opined is now *painfully out of date* in terms of its purpose, its strategy, its content and its housing delivery policies. For a fuller critique of Policy S7, why housing in Uttlesford has to be approved in the countryside and why only limited weight should be applied to the policy, please refer to Chapter 9 of the ASOC.

- 6.9 Accordingly, given that the *most important policies for determining the application are out-of-date*, the *Presumption in Favour of Sustainable Development* (Para 11, NPPF) (the ‘tilted balance’) is engaged.
- 6.10 The first part of the tilted balance at NPPF Paragraph 11(d) (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 202 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.’
- 6.11 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, (which previously were accepted by planning officers regarding UTT/21/2137/FUL) it is contended that the amount of public benefits of the development mean there is no clear reason for refusing the application against Paragraphs 11d (i) or 202 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.
- 6.12 The second part of the tilted balance at NPPF Paragraph 11(d)(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’.
- 6.13 The ‘test’ effectively places an onus upon the LPA to show that any adverse impacts (if they do exist) both *significantly and demonstrably* outweigh the benefits to such an extent that the development should not be allowed to proceed. The consequence of applying the *Presumption in Favour of Sustainable Development* is that the planning balance shifts in favour of allowing the appeal *unless* there is significant and evidenced overriding harm in comparison to the benefits.
- 6.14 Therefore, **under the test at NPPF Paragraph 11(d)(ii), where a decision maker takes the view that the benefits and adverse impacts are ‘in equilibrium’, or even if the adverse impacts marginally (but do not ‘significantly’) outweigh the benefits, then planning permission should be granted.**
- 6.15 The appellants contend, in weighing up the tilted balance, that any adverse impacts are limited, such that they do not ‘significantly’ and ‘demonstrably’ outweigh the benefits of the development and as such that this application should be granted.

- 6.16 The applicants have even further conviction in their belief, given the recent grant of a certificate of lawfulness for a means of access, which in their view nullifies the council's reason for refusal concerning impacts on the protected lane.
- 6.17 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 assesses certain other elements of the proposed 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 rural housing development.

Benefits of the Development

- 6.18 The scheme has carefully considered how it can reasonably maximise benefits of the development. These must be taken in to account as part of a balanced assessment. It is apparent from the Transcript of Planning Committee that there was no Member discussion of the *range* of benefits, with only slight references made to proposed housing. There was no discussion of the benefits of ecological enhancements, energy efficiency savings, sustainable design, climate change initiatives which go over and above policy requirements and so are not just 'mitigation' but also classed as benefits, in addition to housing and related other benefits. The LPA is asked to review and give these benefits due weight as part of a *balanced* consideration.

(a) Economic Benefits

- 6.19 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.
- 6.20 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 rural areas and villages around such as Debden or Newport.
- 6.21 The increased pool of potential customers for the (newly improved) 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 can planning policies support sustainable rural communities?'*) which states that a wide range of settlements can play a role in delivering sustainable development in rural areas.
- 6.22 The dwellings are designed with home offices to encourage working from home (a growing trend, especially since the Covid19 Pandemic), enabling the prospects of an economically active additional population in the village and reducing out commuting.

- 6.23 The offer to provide/facilitate footpath links may negate the necessity for Essex CC to publicly fund works to establish the definitive footpath route through the bank of Cornells Lane.
- 6.24 Approval of the scheme will also generate funding via the New Homes Bonus and Council Tax payments. These could potentially be used to good effect locally, such as improvements to the local bench and seating area in High Street which is neglected and requires refurbishment.

(b) Social Benefits

- 6.25 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 supply. **This small scheme can deliver quickly and this factor lends additional support at a time of housing shortages.**
- 6.26 Particular paragraphs of the NPPF which lend support to the housing proposal include:
- Paragraph 60 (significantly boosting the supply of homes)
 - Paragraph 62 (Planning Policy to reflect different housing needs)
 - Paragraph 69 (Contribution of small housing sites)
 - Paragraph 79 (housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas)
- 6.27 The highest housing need in Uttlesford is for 3 bedroom properties, according to the council's own SHMA 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, 2 no. bungalows are also proposed. This is particularly significant in Widdington given the lack of new build bungalows in the village. This potentially allows for downsizing and freeing up other local properties for a family.
- 6.28 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.
- 6.29 The site is located in a small settlement and 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 could provide links to footpaths. The applicants anticipate such links will be beneficial to local people and reasonably well used, especially given the absence of a footway along Cornells Lane by the site frontage and noting the definitive route through the highway land is not readily available.
- 6.30 Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies, etc.
- 6.31 The proposals comply with the social objective of the NPPF in the above respects but most notably via the provision of dwellings of targeted type and bedroom size to help address the council's significant housing needs and land supply shortfalls.

(c) Environmental Benefits

- 6.32 The development addresses objectives of the NPPF and Uttlesford DC's declared Climate and Ecological "Emergency" 2019 (and subsequent Interim Policy) in beneficial ways. Particular minimum requirements of UDC's interim policy are proposed to be significantly exceeded.
- 6.33 The LPA's Interim Climate Change Policy (February 2021) seeks a 19% increase in Energy Efficiency over and above Building Regulations. The scheme intends to provide **energy efficient savings in excess of UDC's minimum targets**, this being secured via conditions. 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 at least 4 tonnes of carbon dioxide emissions** (this only based on 3 of the 4 dwellings) 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**.
- 6.34 The scheme includes significant new tree planting of **around 50 new trees** which will bring ecological and environmental benefits. New hedgerow is shown around the plots and the site footpath and driveway. There would be **nearly half a kilometre of new hedgerows provided**.
- 6.35 Opportunities to make improvements to certain vegetation along Cornells Lane could be pursued in accordance with recommendations of the AIA, which the applicants would be willing to undertake subject to agreement from the highway authority.
- 6.36 The applicants also propose to deliver **tangible biodiversity net gain** in the form of the proposed off site **new ecological area measuring 0.29 acres**.
- 6.37 A **pleasant landscaped footpath corridor** for use by the public via permissive rights will be delivered, creating a safe walking environment with new views. It gives an option to walking in the lane at this point. Note that **the internal footpath will connect the High Street footway and the PROW** (outside but adjacent the application site) to the west of the paddock boundary hedge. The applicants also **offer to extend a permissive pedestrian link towards the top of the steps at Cornells Lane** where this across their land (again outside but adjacent the application site).
- 6.38 The scheme proposes to **remove overhead power line and apparatus by grounding cables**, for visual benefit.
- 6.39 The development will deliver **high quality design** with appropriate scale, form, density, architecture and superb materials, adding to the overall quality of housing in the village.
- 6.40 The NPPF at Paragraph 120(d) 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 appellants 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 horses thereon, in turn making a *beneficial use* of the land.

Housing Need

6.41 The key driver for promoting this development is because the LPA cannot demonstrate a 5 Year Housing Land Supply. At around 3.5 years housing land supply it is **more than 1000 homes short of target**. There is no up to date Local Plan which would otherwise have plan-led housing allocations. Previous Local Plan inspectors recognise the need to allocate small housing sites. The situation is chronic and will take time to resolve. This will not mean that all speculative applications for housing will succeed but those schemes (like this one) which are highly credible, in sustainable locations relative to the scale of housing proposed and without significant, overriding harm should be supported.

6.42 The Transcript of the Planning Committee (Appendix C) for the previous application revealed the Member discussion that: housing was considered the 'only' real benefit; that four new dwellings was judged not to carry much weight at all, in terms of benefit. This was misguided. Two points arise:

(1) **Housing is not the 'only' real benefit;**

(2) **Increased weight should be given to the housing benefit relative to the shortfall.** This has been clarified in the Judgement of *Phides Estates (Overseas) Limited v SSCLG, Shepway District Council, and David Plumstead [2015] EWHC 827 (Admin)* as reported earlier in this Statement.

6.43 The council should take a positive approach to granting sustainable housing schemes and attach proper weight to the importance of providing housing during this time of significant shortfalls. A planning inspector concerning an appeal at north of Stewarts Way, The Street, Manuden (PINS ref: 3242024) are useful. Paragraph 49 states,

'The addition of up to 22 houses proposed by the development would make a contribution towards addressing this shortfall on a site that is available in the short term. Whilst the contribution would be modest in the context of the overall shortfall, the Council's argument that it would not therefore be meaningful is not a credible position to take. It also fails to acknowledge the important contribution that small and medium sized sites can make to meeting the housing requirements of an area'

6.44 Accordingly, the LPA is asked to give *due weight* to the benefit of housing in the light of:

- (a) significant, ongoing shortfalls;
- (b) NPPF policy to significantly boost housing supply and meet housing needs; and
- (c) relevant legal Precedents and appeal decisions.

6.45 The scheme can be built out relatively quickly to meet NPPF paragraph 68. Widdington is a desirable location with a recently improved hourly (early 'til late, 6 days/week) bus service, providing access to mainline railway stations serving London and Cambridge, plus close to towns and Stansted Airport, so it is anticipated that there would be strong demand for new properties in this high value area, particularly given shortage of housing supply. The potential speed of build out and *delivery* of this medium scale site is therefore a material consideration under the NPPF.

- 6.46 Paragraph 69 also states that *‘to promote the development of a good mix of sites local planning authorities should...c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’*. The development is a windfall site and will add to the mix of homes, including family housing and bungalows.
- 6.47 Given the benefits arising from the scheme, the large housing shortfalls, out of date policies (eg S7 and H1) and overall compliance with NPPF policy, the applicants are of the view that the LPA should grant planning permission, such that the council ensures (as required by the NPPF, paragraph 38) that it pursues sustainable development in a ‘positive way’ when considering this scheme.
- 6.48 Accordingly, it is pertinent to assess whether and how this revised application proposal addresses the council’s previous decision and comments. Therefore, reference is made to the Officer Report to the Planning Committee (Appendix A). The analysis below is given against the headings in that report, with updates as required. The LPA is also directed to relevant supporting comments in the ASOC (esp. Chapter 10) and the original PDAS (esp. Chapter 6) where applicable.

Location of Housing

- 6.49 The LPA did not refuse the previous application based on the location of the site in relation to accesses to services and facilities, or the amount of private car usage, for reasons set out at paragraphs 9.2-9.15 of the Officer Report.
- 6.50 Subsequently, the recent award of a new public transport contract by Essex CC, has seen improvements the bus service, increasing from 12 to 18 (regular/hourly) departures/arrivals and at earlier and later times, operating 6 days per week, serving Saffron Walden, Bishops Stortford and three mainline railway stations. This further enhances the sustainable location credentials for this small scale application scheme.
- 6.51 The ASOC at paragraphs 10.46 to 10.52 (Locational Sustainability) provides additional comments. There is support under the NPPF as follows:
- **Paragraph 8 (b)** (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 well-designed, beautiful and safe places, with *accessible services* and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being);
 - **Paragraph 79** (housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas);
 - **Paragraph 105** (opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making)
 -
- 6.52 Accordingly, there remains no objection to the location of the proposed housing scheme, such that it complies with Local Plan policies S7 and GEN1.

Character, Appearance and Heritage

- 6.53 The LPA's three reasons of refusal for application UTT/21/2137/FUL all fell within this heading. Planning officers did not object on these grounds for reasons set out in their report at paragraphs 9.15 to 9.55. However, Planning Committee disagreed and refused the application, which has now been appealed.
- 6.54 The applicants have provided very detailed information to the Planning Inspectorate as part of the appeal in order to address the reasons for refusal. The ASOC (Appendix G) sets out a response to each reason for refusal which the LPA is requested to review and consider as part of its deliberations on this revised application as the comments are still applicable. Additionally, the applicants have reviewed the scheme and made some amendments, as well as clarified certain elements of the proposals following comments at committee.

Non Designated Heritage Asset (Protected Lane) Impacts

- 6.55 The LPA had refused the previous application (under Policy ENV3 and NPPF Paragraph 203) due to impacts upon the character and appearance of the (locally designated) 'protected lane' as a result of the proposed development. Impacts upon this non designated heritage asset essentially arise as a result of the proposed access from Cornells Lane. Chapter 7 of the ASOC has provided a detailed rebuttal of the reasons for refusal, which the LPA should now fully take in to account. The key (summary) points are as follows:
- Policy ENV9 is out of date. It is not fully in compliance with the NPPF
 - In consideration of Policy ENV9, the 'historic significance' of the lane is limited
 - In consideration of Policy ENV9 and NPPF Paragraph 203, the scale of any harm to, and impact upon, this non-designated heritage asset is not 'significant'
 - The level of visual harm is not significant to the character and appearance of the lane
 - Planning officers did not object to the proposals in respect of the impacts on the Protected Lane and weight should be given to this professional opinion
 - The work required to form the access in the protected lane could be carried out without planning permission in relation to other permitted development and represents a "fallback" as a material planning consideration, which the LPA did not properly take in to account.
- 6.56 In respect of the "fallback" position the applicants separately submitted an application (reference UTT/22/1523/CLP) for a Certificate of Lawfulness to Uttlesford District Council regarding a proposed 'means of access' from Cornells Lane to serve the land. The application sought approval for a '*Certificate of lawfulness for the proposed formation, laying out and construction of a means of access to Cornells Lane, in connection with the use of land (up to 14 days per calendar year) for the purposes of the holding of a market*'.
- 6.57 The intended purpose of this application was to demonstrate that an access from Cornells Lane can be lawfully constructed. Note, however, that whilst the access was specifically applied for in connection the use of the land for holding of a market, there are other uses of land which are allowable under the GPDO (without planning permission) which potentially are available and which would also allow (under the GPDO) an identical means of access to be constructed without the need for planning permission.

- 6.58 The ‘certificated’ means of access, acknowledged by the LPA as lawful, is identical in siting, width and visibility splays to the access proposed in the current application (and the refused/appealed application). The detailed specification of the means of access is shown on **Drawing H010 Rev7**. Furthermore, the gradients shown in the ‘certificated’ and proposed access incorporate the previously recommended conditions of the Highway Authority set out in its consultation response of 27th October 2021.
- 6.59 The LPA approved the Certificate of Lawfulness application for the means of access on 25th July 2022.
- 6.60 Accordingly, the applicants have demonstrated as a matter of planning law that they are able to construct a means of access to the site which is the same as the access now proposed (and also which was previously refused by the LPA).
- 6.61 The ASOC at Paragraphs 7.46 and 7.47 sets out legal precedents regarding the ‘fallback’ position and its weight as a material consideration. In line with those Judgements, the applicants are of the view that the possibility of the access being constructed in accordance via permitted development rights granted under the GPDO has significant weight as a material consideration in the determination of the application. This is because the allowable construction of the means of access would have the same impact upon the character and appearance of Cornells Lane, being defined in the adopted Uttlesford Local Plan 2005 as a ‘protected lane’ to which policy ENV9 applies. The ‘harm’ to the Protected Lane (a non-designated heritage asset) including that which the LPA alleged would occur in UTT/21/2137/FUL, *would (or will) happen in any event* under the permitted development works confirmed by the Certificate of Lawfulness, such that any balancing exercise applied under NPPF Paragraph 203 would be futile as any harm is already accounted for by the fallback position. If such balancing exercise is carried out, this should logically conclude that the need for the development outweighs the harm to the non-designated heritage asset arising from the means of access works (which can be carried out regardless).
- 6.62 Given the materiality of such arguments, the applicants are of the view that **the LPA’s previous reason for refusal concerning impacts upon the protected lane under Local Plan Policy ENV9 or NPPF paragraph 203 is substantially weakened to the point that it is no longer reasonably defensible**. Accordingly this matter affects the ‘tilted balance’ (see later, below).

[Designated Heritage Assets \(Listed Buildings and Conservation Area\) Impacts](#)

- 6.63 The ASOC at Chapter 8 has set out a detailed assessment regarding the impacts upon listed buildings and the Widdington Conservation Area from a 4 unit development at the site. It asserts that the council’s previous refusal was unwarranted and of insufficient weight to override the need for and benefits of the development for the following reasons:
- **There is only a very low impact on the significance and setting of the Conservation Area:**
 - Nearly all of the site is outside the Conservation Area
 - Policy ENV1 which the previous application was refused under concerns development ‘within’ Conservation Areas where no new buildings are proposed. Only (sympathetic)

surfacing of highway land is proposed within the Conservation Area and should not affect its special features

- the Conservation Area’s character and appearance will be “preserved” and thus accords with planning law, especially s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ie to pay ‘special attention...to the desirability of preserving or enhancing the character or appearance of that area’; similarly, paragraph 199 of the NPPF is complied with – ie ‘conserving’ the heritage asset
- The proposed development would alter the rural setting of the conservation area by introducing residential built form, however this would not be appreciable from within the vast majority of the conservation area.
- Development would follow the pattern of twentieth century, piecemeal development within Widdington and within land immediately surrounding the Widdington Conservation Area. It will reflect the evolution of Widdington, with dwellings constructed over time, generally in a linear manner, to overlook and follow the established historic routes through the settlement
- a transition” between the settlement and the wider rural surroundings beyond the Conservation Area will be maintained (ie no development upon the retained paddock land) noting the significant reduction in a) scale and b) overall coverage of built form across the paddock as compared to the dismissed appeal for 20 dwellings
- an open view is currently available (where not screened by 2m fences under permitted development rights) across the retained paddock land (which will not be developed) towards the back of properties in the High Street, marking the edge of the Conservation Area. The proposed development of 4 dwellings will not materially impact on such viewpoint
- a verdant approach towards the Conservation Area would be maintained by existing and new planting, together with the set back location and limited scale of the buildings
- The LPA (via Planning Committee) did not identify ‘specific’ impacts upon the Conservation Area in its previous refusal; issues of noise, light pollution and general disturbance were not cited as issues in the appeal decision concerning 20 dwellings
- The LPA (via Planning Committee) appeared to have no regard to the professional assessment of their own planning officer regarding the low level of impact of the proposed development upon the Conservation Area. Planning Committee failed to acknowledge their consultee’s advice of 21 February 2022 which stated “**a low level of harm to the Conservation Area..**”. The Planning Committee erred by not applying due weight of such ‘low harm’ to the assessments made by the consultee (let alone the applicant’s own assessments). It appears the Planning Committee assessed harm levels to be ‘overriding’, which is without any foundation and is contrary to all professional advice.

- Subsequently, note that this revised application proposes a bungalow (previously a larger chalet style dwelling) and double row planting at and around Plot 1, further reducing the already low level impacts upon the setting of the Conservation Area
- **The development will provide an opportunity to better reveal the significance of heritage assets in accordance with paragraph 206 of the NPPF:**
 - the introduction of a new footpath through the site (available to occupiers and public alike via permissive rights) will open up views towards the back of High Street where the Conservation Area lies and includes White/Corner Cottage (listed), Roseley Barn (curtilage listed to Martin's Farm) and other buildings further north including along High Street
 - professional planning officers agreed that the proposals were in accordance with NPPF Paragraph 206
 - there is no requirement under Paragraph 206 to enhance the setting of a heritage asset and thus no contradiction
- **All professionals (LPA, applicant, ECC Place Services), including planning officers and the built heritage consultee, agree that impacts upon the Conservation Area are at the low or very low end of the scale**
- **The significance of listed buildings is unaffected. This opinion is further informed by comparison assessments and comments made by the inspector regarding the previous 20 unit appeal scheme**
 - It would appear there are only two listed buildings which the consultee indicated *could* be affected, namely William The Conqueror and Corner Cottage/White Cottage, both grade II listed
 - it is unclear from the consultee's initial response what the alleged 'several impacts' would actually be on the settings of these buildings; and also what level of harm ie high/medium/low/negligible, etc would occur and *how*
 - the LPA has not indicated which listed buildings would be affected by development or how their significance would be harmed; the consultee responses did not evidence any analysis regarding what contribution the site makes to the significance of listed buildings.
 - the site currently makes little contribution to the significance of these listed buildings
 - the applicants have evidenced that there would be no impact upon the significance of listed buildings **and that the settings of the listed buildings will be preserved**, this also taking in to account opinions made by the appeal inspector (20 unit scheme)
 - there is substantial agreement on (low or no) levels of harm to listed buildings between the applicants and the council's professional planning officers

- there will be opportunities from the proposed (permissive) footpath that will run through the site to allow all users including the public to appreciate views of White Cottage and the curtilage listed Roseley Barn (in curtilage of Martin’s Farmhouse). These viewpoints are not currently available to the public. By making them available it will *better reveal the significance of these heritage assets* and so **“should be treated favourably”** (NPPF Paragraph 206). The Planning Committee appeared not to appreciate this point and policy support.
- **In weighing any harm against the public benefits under paragraph 202 of the NPPF, a balanced view does not support refusal, nor as part of the NPPF’s ‘tilted balance’**
 - There was unanimous agreement following assessments by the applicants, the council’s heritage consultee and the professional planning officers that the previous proposals would *lead to less than substantial harm to the significance of a designated heritage asset*. There is no reason to depart from this position.
 - Accordingly, NPPF Paragraph 202 requires that ‘the less than substantial harm’ should *be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*
 - In respect of the Conservation Area impacts, all professionals agreed previously that the level of harm from the refused proposals upon the significance of the Conservation Area would be either low or very low. There is no reason to depart from this position in the current application.
 - In respect of the Listed Building impacts, the applicants and council’s planning officers agreed that the level of harm from the previous proposals upon the significance of listed buildings is either not applicable or low. There is no reason to depart from this position in the current application. The council’s heritage consultee did not make a specific impact assessment regarding level of harm.
 - Given that impacts upon the identified designated heritage assets should be accepted as either not applicable or at the low end of the ‘less than substantial harm’ scale, the applicants are of the view that there is no justification for refusing the application under NPPF Paragraph 202. Planning officers agreed that the previous scheme proposals were in accordance with NPPF Paragraph 202 and there is no reason for that view to change.

6.64 Based on the applicant’s assessment, the impact upon the significance and setting of Designated Heritage Assets (Widdington Conservation and assessed listed buildings) would not justify a reason for refusal under relevant law or policy. **There is no conflict with Local Plan policies ENV1 or ENV2, or paragraphs 199, 202 and 206 of the NPPF.**

6.65 The proposed development will 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.

- 6.66 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.
- 6.67 The LPA is requested to carefully evaluate this additional information and assess whether the previous grounds of objection (LPA via Planning Committee concerning designated heritage assets can be sustained in relation to this revised application.

Countryside Character

- 6.68 The LPA, contrary to officer advice, refused the previous 4 unit application as *'The proposal would represent an inappropriate form of development within the countryside, having an urbanising effect that would be out of context with the existing pattern of development and harmful to the setting and character of the rural location. The proposal is not in accordance with ULP Policy S7 and paragraph 174 (b) of the NPPF in terms of recognising the intrinsic character and beauty of the countryside'*.
- 6.69 The applicants have reviewed this reason for refusal and provided a detailed analysis at Chapter 9 of the ASOC which the LPA is asked to review as part of its deliberations on the current application as the arguments made are also applicable.
- 6.70 The PDAS at Chapter 4 and Chapter 6 (paragraphs 6.73 to 6.86) which explain, in some detail, the previous scheme proposals and how these successfully addressed character issues, including the comments from the appeal inspector concerning previous development on the 'whole' paddock.
- 6.71 The LPA considered the refused 4 unit scheme an 'inappropriate form of development within the countryside'. However, new housing has to occur outside development limits due to housing land supply shortfalls. Where such development occurs, it is important that it delivers high quality development and aspires to meet the aspirations of delivering beautiful buildings and places, as set out in the NPPF.
- 6.72 The applicants assert that the quality of the buildings and the place it will deliver is evidenced as high quality and beautiful. Further embellishments have been made to the proposal to reduce the scale of Plot 1 and add more planting around it so that it further integrates with its surroundings. The proposed traditional build form of the dwellings is appropriate to the village setting and not at odds (or 'inappropriate') with the prevailing context. The dwelling scales are kept small i.e 2 no. 1 ½ storey chalets and 2 no. bungalows. The features of the dwellings provide architectural interest. High quality materials are proposed eg natural slate and hand made clay tiles. Equally hard surface materials are high quality. The revised plans now show resin bonded gravel with granite setts to individual plot driveways (previously block paving). The LPA must consider the quality of the scheme in its decision making, which the Planning Committee did not previously discuss. The applicants consider the design of the buildings, their materials and landscaping should be balanced against any harm from developing this 'village environment' greenfield site. Indeed, such design is in keeping – not contrary to – other dwellings locally including those evidenced in the *Photographs of Site and Context August 2022*.
- 6.73 The LPA had alleged an 'urbanising' effect, which is wildly exaggerated and unjustified. The scheme is a minor housing scheme of a suitable village scale. It will not overwhelm the village or impose a

character which is different or alien to what is generally experienced in the locality, noting the site is close to the village core and its many buildings, including dwellings. The term 'urbanising' derives from the adjective 'urban', which the Concise Oxford English Dictionary defines as "of, living in, or situated in a town or city". 'Urbanize' is defined as "1. make Urban. 2 destroy the rural quality (of a district)."

6.74 It cannot be said that the additional of merely two chalet dwellings and two bungalow will have the effect of making this settlement 'urban' ie turning the village in to town. Furthermore, whilst there will inevitably be some minor adverse impacts - as is the case of building on any greenfield land - the scheme is minor in nature and will not impinge on the overall rural quality around the village. The site is well contained from wider views.

6.75 Elements which make a settlement 'urban' include not just the *scale* of housing but also other features such as roads with footways and streetlights, where a low key, informal village feel starts to become more structured. In this case, it is important to draw comparisons with the appeal scheme for 20 dwellings and related appeal decision. It will be seen that that appeal scheme used the whole of the paddock measuring 1.35ha for a major housing development. The 'scale' of housing development was significant. The inspector opined at paragraph 10 of the appeal decision that, *The proposal would be a comparatively large estate of 2 storey housing and although there is some screening, from the east such development would be starkly visible and of an overall scale and disposition that would harmfully encroach above and across the skyline. It would not be discreet as the LVA suggests and would jar with their lower, more modest scale and the linear character and pattern of the village. In this case the lower, modest scale of development and its linear form complies with the principles which the inspector has assessed as forming the character and pattern of development.*

6.76 In the current scheme of 4 homes, it will be appreciated that the issues of *scale* which the inspector had identified have been significantly overcome. This includes not just the spread and numbers of dwellings, but also the reduction in heights from before, as evidenced in the PDAS. The scheme is of a 'lower', more 'modest' scale and has a 'linear character' running parallel to the road (and not housing in depth) such that the key issues which the inspector identified have been addressed.

6.77 The LPA claimed that the development would be 'out of context with the existing pattern of development', yet the inspector in the 20 unit appeal has acknowledged that a 'linear character' exists in the village. The LPA's decision (via Planning Committee) alleged that the *pattern of development* in the village is not being respected. However, planning officers recognise in the report to the Planning Committee (Appendix A) at paragraphs 9.37 to 9.38 that,

The siting of the dwelling[s] would be compatible with the more twentieth century, piecemeal development within Widdington and also the more linear approach of development along Cornells Lane that has evolved over time.....The location of the proposed development follows the evolution of Cornells Lane which includes a number of dwellings built over time and mainly in a linear layout that are compatible with the historic routes through the village.

6.78 Furthermore, the 20 unit appeal scheme also involved a 'major' road access which required 2m footways running alongside the new carriageway to meet with the requirement of the Essex Design Guide. As an 'adoptable' estate road, the Highway Authority would also have expected street lights to

be incorporated. These footways and streetlights, which could be termed ‘urban’ features are not proposed or required in the current scheme. There is no ‘urbanising’ effect as alleged.

6.79 The applicants are 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.

6.80 The previous appeal decision for 20 dwellings is a material consideration. **The inspector did not say that no part of the overall paddock could ever be developed**, despite its location in (technically) a rural location noting accessibility. Rather, his concern in these terms was due to the scale of development and number of residents.

6.81 At paragraph 37 he stated, *‘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..’*. In this case the inspector’s comments are addressed:

- the site area has significantly reduced from 1.35ha to 0.48ha
- the number of dwellings has been reduced from 20 dwellings to 4 dwellings (a village scale minor housing scheme)
- the application site only includes ‘linear’ development on the southern part of the overall paddock, with over 2 acres left undeveloped; there is no ‘in depth’ housing development or resultant “suburbanisation” or “urbanising effect” (sic)
- a substantial paddock area between the site and the northern paddock boundary will be maintained as grassland and a newly proposed open ecology area
- the west to east ‘transition’ will therefore be largely kept, open and green, either as paddock or new ecological area
- 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. There should be no wider landscape. All dwellings are proposed as low in scale and appropriate to a village and the revised scheme further reduces the scale of Plot 1
- there are no other urbanising effects such as a major road junction with separate footways or adoptable roads with streetlights

6.82 The LPA also raised concern in the previous application under paragraph 174 (b) of the NPPF, which is part of a multi-faceted policy at paragraph 174, sub-sections (a)-(f). It states planning decisions should contribute to and enhance the natural and local environment by: *(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.*

6.83 In this case, the development recognises the character and beauty of this part of the countryside by delivering high quality and beautiful *rural style* homes which will successfully add to the local rural character in this part of the village. Houses running along Cornells Lane (“the countryside”) are part of

the character at this point, in the linear fashion described. Also, the proposed homes and gardens will back on to the retained paddock, in a similar way to the homes which exist to the west. *These existing arrangements are part of the local countryside character and will be replicated, not be contrary to it.* Whilst the development will not be highly visible in the public domain due to siting, set back from the road, softening from mature existing and other new landscaping (see cross section drawing), it would be the case that the homes will appear suitably rural in scale, nature, appearance and materials when glimpsed from outside the site. Again the reduction in scale of Plot 1 and double depth boundary planting to its south and west boundaries will further assist the case.

- 6.84 Wider public views of the site from other areas of the village are largely restricted by landscaping (eg Cornells Lane and eastern side of paddock) and intervening buildings or fences. Where views/glimpses are available they will be understood in the residential village and landscaped context. The much reduced scale of this minor housing scheme in comparison to the appeal scheme of 20 dwellings substantially addresses the inspector's previous concerns regarding impacts on the landscape.
- 6.85 The scheme recognises the trees at the fringes of the site and will retain these, apart from removal of a small section of *poor quality* hedgerow including bramble, etc, (as evidenced in the supporting tree survey). This is the only loss of vegetation and is insignificant. By contrast, **approximately 50 new trees and nearly half a kilometre of new hedgerows are proposed to be planted**, not just for mitigation but also for enhancement of the countryside. The new housing development will make this enhancement possible. Tree and hedgerow species details can be agreed with the LPA by condition (to ensure native varieties) in recognition of the reflecting the prevailing rural character.
- 6.86 Similarly, whilst the countryside will benefit from the **significant ecological enhancements** for biodiversity net gain that can be delivered and secured via conditions, including amongst other initiatives a *new ecological area of 0.28 acres*.
- 6.87 Thus, there is no great prejudice to paragraph 174 (b) of the NPPF especially when this sub-paragraph is considered 'in the round' as part of the tilted balance. It is also important to consider the overall aspects and relevance of Policy S7, where this is a policy which seeks to restrict development.

Neighbouring Amenity

- 6.88 Notwithstanding the alterations to the design to Plot 1, the assessments previously made by planning officers are generally still applicable, as stated at in Officer Report to the Planning Committee at paragraphs 9.56 to 9.57. Accordingly the revised scheme complies with Local Plan policies GEN 2 and GEN 4.

Access, Parking and Transport

- 6.89 The Officer Report to the Planning Committee considered these matters at paragraphs 9.58 to 9.64. The proposed access is the same as the previously considered by the LPA which the Highways Authority did not object to in highway safety terms subject to conditions. Also, the LPA did not object to the application in highway safety terms such that the intended access remains acceptable under Local Plan Policy GEN1.

- 6.90 Furthermore, the means of access can be constructed lawfully under ‘permitted development’ and this represents a material consideration (as a fallback).
- 6.91 Notwithstanding the safety of the proposed access and ability to construct it without planning permission, the applicants are mindful of the discussion at Planning Committee and have considered an alternative means of access involving the upgrading of the existing paddock access. They have not proposed this as it appears not to meet highway requirements for alignment, visibility splays and width (although could be provided with a passing bay).
- 6.92 The development will easily meet parking standards. This was not a reason for refusal previously although was queried by Planning Committee. The plans show each plot with at least three parking spaces (two open parking spaces and one cart lodge space) all at required dimensions, meeting the minimum requirements of two spaces plus 0.25 visitor spaces per plot.
- 6.93 The applicants are amenable to travel packs being provided for each property to encourage the uptake of sustainable transport.
- 6.94 Accordingly, there remains no objection under Local Plan policies GEN 1, GEN 8 and related SPD’s.

Light Pollution

- 6.95 Notwithstanding the changes to the design of the dwelling at Plot 1, there is no reason to depart from previous assessments in the Officer Report to the Planning Committee (paragraph 9.65) that there will be no harmful impact from light pollution, although conditions could be imposed to agree any lighting scheme. Accordingly, there is no objection under Local Plan policy GEN 5.

Nature Conservation

- 6.96 The Officer Report to the Planning Committee considered these matters at paragraphs 9.66 to 9.70. There were no objections to the previous application in terms of ecological impacts, subject to conditions. The revisions to the scheme (eg at Plot 1) do not materially alter the conclusions of the PEA. The provision of a significant new ecological area as proposed is a key benefit and can be secured by conditions.
- 6.97 Accordingly the scheme complies with Local Plan policy GEN 7.

Flooding

- 6.98 The LPA previously assessed that the application site is in Flood Zone 1 and therefore concluded that 4 dwellings then proposed would not give rise to any significant adverse effects with respect to flood risk, such that it accords with Local Plan Policy GEN3. Details were set out at paragraph 9.71 in the Officer Report to the Planning Committee. Notwithstanding the changes to the scheme there is no reason to depart from the assessment made.

Climate Change

- 6.99 The Officer Report to the Planning Committee (paragraphs 9.72 to 9.81) previously provided positive comments on the applicant's proposals to address climate change, especially taking into account UDC's Interim Climate Change Policy 2021 and the NPPF.
- 6.100 The officer's comments are largely still applicable. The Energy and Sustainability Statements, based on the original scheme under UTT/21 /2137/FUL, indicated the proposals to improve energy efficiency through fabric thickness, air source heat pumps and photovoltaic panels, saving 5 tonnes per annum of carbon dioxide emissions and being circa 61% more energy efficient over 2013 Building Regulations. Calculations for the revised plot 1 have yet to be made but (regardless) the calculations for plots 2 to 4 remain as before and for these three plots show a reduction in carbon dioxide emissions of 4.15 tonnes per annum equating to circa 63% energy efficiency savings.
- 6.101 The numerous other energy and sustainability measures set out in the Energy and Sustainability Statements and summarised by officers indicate the applicant's intentions. Some of these measures include ECVP's, water conservation measures, landscaping/native species, ecology area, home working facility, footpath links, travel packs, etc.
- 6.102 The proposed measures will ensure the proposed development appropriately addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy addressing the NPPF, as well as meeting and *exceeding* the targets of Uttlesford Interim Climate Change Policy

The Tilted Balance – A Summary

- 6.103 In summary, the NPPF's Presumption in Favour of Sustainable Development requires a tilted balance exercise to be carried out.
- 6.104 The assessment above has considered the suitability of the proposed development taking account of location, character and appearance, heritage, neighbouring amenity, access, transport, parking, light pollution, nature conservation, flooding and climate change. It has concluded positively in respect of all of these matters, with only limited harm being identified.
- 6.105 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:

Economic:	<ul style="list-style-type: none"> ➤ short term benefits during the construction phase, with benefit to local companies eg contractors, sub-contractors, trades and suppliers. ➤ occupiers of the houses would contribute to the local economy in the long term, in Widdington and surrounding areas ➤ increased pool of potential customers for the local bus service could bring improved viability ➤ dwellings are designed with home office to encourage working from home, enabling the prospects of an economically active additional population ➤ potentially negating use of public funds to form part of public footpath Definitive Route ➤ funding for the District and Parish via the New Homes Bonus, as well as increased Council Tax receipts
Social:	<ul style="list-style-type: none"> ➤ the construction of four dwellings to address 5 Year Housing land supply deficiencies (1000 plus homes short) ➤ 3 x 3 bed dwellings meeting highest housing size need as indicated in Uttlesford's SHMA (plus 1 x 2 bed unit) ➤ 2 no. bungalow to meet housing needs of an aging demographic ➤ additional localised surveillance brought by additional residents and use of new footpath through site ➤ additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies ➤ high quality built environment, accessible to local services, including those which can be reached via the recently improved and regular bus service to other nearby settlements
Environmental:	<ul style="list-style-type: none"> ➤ improved fabric to dwellings and the provision of air source heat pumps and photo voltaic panels. The development will save at least 4 tonnes of carbon dioxide emissions to the atmosphere compared to a scheme which meets 2013 Building Regulations ➤ each dwelling would also be provided with an electric vehicle charging point and Travel Pack with bus vouchers, to encourage sustainable transport take up ➤ significant new tree planting which will bring ecological and environmental benefits ➤ opportunities to facilitate/encourage improvements to certain vegetation along Cornells Lane eg where dying/dangerous ➤ tangible biodiversity net gain in the form of the proposed off site ecological area measuring 0.29 acres ➤ provision of pleasant landscaped footpath corridor for use by the public via permissive rights, assisting links with public footpath and steps at Cornells Lane ➤ removal of overhead power line and apparatus by grounding cables, for visual benefit ➤ delivery of high quality design with appropriate scale, form, density, architecture and materials, adding to the overall quality of housing in the village ➤ re-use of under utilised paddock land for beneficial use ➤ Potential for existing 2m close board fence adjacent Plot 4 (but outside site) to be removed

6.106 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. The LPA did not object to the previous application (UTT/21/2137/FUL) on the following grounds and there is no reason to change this position in respect of this revised application:

- Ecological Impacts
- Highway Safety
- Drainage and Flooding
- Neighbouring Amenity
- Design and Layout
- Noise
- Lighting
- Climate Change Mitigation/Adaptation
- Airport Safeguarding

6.107 Furthermore, this application has provided additional information and made revisions to the scheme plans which further tip the balance in favour of supporting the application. The key points to note are:

- A certificate of lawfulness for a means of access, identical to that now being proposed, has been granted by Uttlesford DC. Therefore such access could be constructed with planning permission, notwithstanding any alleged harm caused. This fallback position is a material consideration in addressing reason for refusal no. 1 (UTT/21/2137/FUL) concerning impacts upon the Protected Lane arising as a result of access works. It is subscribed that it is no longer defensible for objections to be raised regarding this matter.
- A detailed analysis has been provided concerning any alleged harm to the significance of the Conservation Area (which is agreed by the LPA at the low end of the scale) such that any objection on such ground does not provide a robust reason to refuse development (and addresses this part of reason for refusal 2 on application UTT/21/2137/FUL). The previously alleged adverse effects must be demonstrated and significant; however such effects are not apparent.
- A detailed analysis has been provided to demonstrate that the significance of listed buildings in the locality will be preserved, such that any objection on such ground does not provide a robust reason to refuse development (and addresses this part of reason for refusal 2 on application UTT/21/2137/FUL) The previously alleged adverse effects must be demonstrated and significant; however such effects are not apparent.
- Amendments to the previously refused scheme have been made. Also additional information has been provided. These matters include:
 - Change in scale of plot 1 from chalet to bungalow
 - Additional planting to front/side garden boundaries of Plot 1
 - Additional information concerning access proposal and options
 - Additional information concerning indicative banks around the proposed access

- Clarification of parking spaces available on plots and slight amendments to parking areas; changes to parking surfaces for contrast with the private drive
- Clarification of proposed sized of private amenity areas to plots
- How the scheme respects concepts endorsed by UDC’s Principal Urban Design Officer
- Additional documentation regarding heritage issues and rural character issues, addressing reasons for refusal on UTT/21/2137/FUL
- Additional information concerning the approved means of access recently granted under a Certificate of Lawfulness
- Information regarding recently improved bus service
- Information concerning definitive footpath and related issues

6.108 The above matters combine to further help address any perceived or previously alleged impacts (eg upon the character and appearance of the rural area, or upon the significance of heritage assets), to address some comments made at Planning Committee and also to put the case in support of a sustainable development.

6.109 Given that any alleged adverse impacts are reduced compared to the previous refused scheme, **the planning scales therefore tip significantly towards approval given the (relative) weight of the benefits.**

6.110 For reasons fully set out, the applicants are of the view that there are no adverse impacts which would ‘significantly and demonstrably’ outweigh the numerous benefits of the development. The changes to the application scheme and additional information have demonstrated that the proposal is a sustainable development.

6.111 As such, in line with paragraph 14 of the NPPF, the Presumption in Favour of Sustainable Development indicated that planning permission should be granted.

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. 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).
- 7.2 The application has to be determined in accordance with Section 38(6) of The Planning and Compulsory Purchase Act. A decision should be made in accordance with the Local Plan unless material considerations indicate otherwise. The application is heavily supported by policies of the National Planning Policy Framework (NPPF) which are key material considerations to the determination of this application. The NPPF has a ***Presumption in Favour of Sustainable Development***.
- 7.3 The council's 'most important' adopted Local Plan policies in determining this application are 'out of date', particularly because the LPA is not able to demonstrate a 5 year supply of housing land to meet its housing needs. The "painfully out of date" (sic) Local Plan only envisaged housing delivery up until 2011.
- 7.4 In such circumstances, a 'balancing exercise' must be carried out in applying the NPPF's Presumption in Favour of Sustainable Development. Essentially, this test is whether any adverse impacts (if they do exist) would be so strong such that they 'significantly' and 'demonstrably' outweigh the benefits of the development.
- 7.5 The LPA (via its Planning Committee) refused a previous application for 4 dwellings (UTT/1 /2137/FUL) contrary to the recommendation of its professional planning officers. Weight should be given to the professional advice provided by planning officers who recommended approval of the planning application. Much of the previous advice appears to remain applicable to the current scheme. An appeal has been lodged against that refusal. The appeal also examines the way in which the council arrived at its decision. This revised application allows both the council and applicant to review their respective positions on the appeal.
- 7.6 The evidenced debate by the Planning Committee on UTT/21/2137/FUL reveals that a lack of positive discussion of the previous scheme's benefits or 'overall' compliance with NPPF and Development Plan policy. Instead there was a focus on alleged harm. The council's previous reasons for refusal related to impacts upon non-designated heritage assets (RfR1), designated heritage assets (RfR2) and countryside (RfR3). This revised application has provided information to address each of the council's reasons for refusal. Additionally some changes have been made to the scheme, including a reduction in scale of one plot, additional landscaping and clarification of access, parking and garden areas.
- 7.7 Heritage and planning professionals agree that harm to 'significance' of the Conservation Area is either very low/low. The 'significance' of heritage assets also including listed buildings and a Protected Lane would not be compromised. RfR1 and RfR2 did not provide strong reasons for refusal. The LPA is asked to review the submitted information accordingly.
- 7.8 Of particular note to RfR1 is that a certificate of lawfulness for a means of access, identical to that now being proposed, has been granted by Uttlesford DC. Therefore such access can be constructed without

planning permission, notwithstanding any alleged harm caused. This is a material consideration in relation to potential impacts upon the Protected Lane arising as a result of access works in the application. It is subscribed that it is no longer defensible for objections to be raised regarding this matter.

- 7.9 The alleged harm to the countryside would be limited for reasons set out. There will inevitably be a degree of harm of building on a greenfield site but the edge of village location is appropriate for the village scale housing scheme, which will be of high quality appearance and well landscaped. The council's previous RfR3 must also be balanced against the council's significant housing shortages and criticism of Policy S7 where this policy prevents much needed housing.
- 7.10 The development will bring benefits, most importantly the delivery of 4 homes making a moderate contribution to the significant housing shortfall. Whilst a minor development, the NPPF recognises the importance of such schemes, plus it addresses the 'scale' problems of a previous appeal for 20 dwellings. The inspector's comments have been fully addressed on this smaller site area.
- 7.11 The provision of biodiversity enhancements (including a large ecological area), energy efficient/ sustainably designed housing and a new footpath for safety are notable benefits, in addition to the overall economic, social and environmental benefits which will ensue.
- 7.12 There were previously no objections from the LPA or any consultee on technical details concerning UTT /21/2137/FUL, including matters such as access, ecology and flood risk and it is anticipated this will remain the case.
- 7.13 Planning conditions can be imposed to ensure delivery of various elements, including energy efficient and sustainably designed homes, ecological enhancements (including an off site ecology area), Travel Packs to encourage use of the regular local bus service and a permissive path and /or links. Conditions can also ensure other details of the development are controlled such as materials, hard/soft landscaping (including around the proposed access) and drainage.
- 7.14 In consideration of the 'tilted balance' pursuant to Paragraph 11 of the NPPF, it has been demonstrated that there will be no adverse impacts which would '*significantly and demonstrably*' outweigh the numerous *benefits* of the development, in particular the delivery of market housing which is urgently needed to address the considerable and ongoing shortages of housing in the Uttlesford District, as well as sustainably designed development to help meet the climate and ecological emergency which the council has declared.
- 7.15 **In applying the NPPF's Presumption in Favour of Sustainable Development, it is therefore respectfully requested that this application should be granted planning permission.**