

Planning Statement

Bantam House

Church Lane

White Roding

Dunmow

CM6 1RJ

On behalf of Mr J Berry

February 2024

1.0 INTRODUCTION

1.1 This statement accompanies a full planning application for “the construction of a replacement dwelling” at Bantam House, Church Lane, White Roding, CM6 1RJ. The application site contains the remnants of a former dwelling, part of which was demolished to facilitate extensions being constructed through the exercise of Permitted Development rights afforded by Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).

1.2 Following the intervention of the Council’s Enforcement Officer in December 2021, work ceased on site. Without prejudice to the applicant’s position that the works which have been undertaken are lawful, an application was submitted for “Construction and part retention of a replacement dwelling” in December 2022, under ref. UTT/22/3505/FUL. The application was refused by the Council on 21 March 2023, for the following reasons:

1 The proposed development would constitute inappropriate development in the Green Belt as defined by the Framework and result in harm to openness of the Green Belt. It would, by definition, be harmful to the Green Belt, to which substantial weight is given. The development would conflict with the requirements of Policy S6 of the Uttlesford Local Plan (2005) and the Framework. Amongst other matters, these seek to ensure that developments are compatible with the countryside setting and purposes of the Green Belt; and that the openness of the Green Belt is retained. The very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this instance. Therefore, the proposal, would constitute inappropriate development that would be contrary to Policy S6 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

2 Insufficient heritage information (Heritage Statement and views appraisal) has been submitted with this application contrary to the requirements of Paragraph 194 of the Framework. As such, the Local Planning Authority is unable to assess the impact of this proposal on the significance and setting of nearby heritage assets/ whether the special interest of the listed buildings would be preserved as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 The overall design of the proposed dwelling does not meet the requirements of Uttlesford Local Plan Policy GEN2 and Paragraph 197 c) of the National Planning Policy Framework (NPPF, 2021) for the desirability of new development to make a positive contribution to local character and distinctiveness.

- 1.3 This can be summarised as the effect of the development on the Green Belt, on heritage assets, and on local character.
- 1.4 Crucially, the Council did not oppose the principle of replacing the former dwelling on the site, but instead found the development to be unacceptable in detail. As a result, the applicant entered into pre-application/post-decision discussions with the Council and Essex County Council Place Services Heritage team, and it is these which have informed the current submission.
- 1.5 In order to address the second reason for refusal, this revised application is accompanied by a Heritage Statement prepared by Brighter Planning, which has also guided the design and siting of the replacement dwelling.

2.0 PLANNING HISTORY

- 2.1 The original dwelling on the site was created pursuant to application DUN/469/69 (conversion and extension of outbuildings to form bungalow - granted 14.11.69) and the approved plans for that application showed a 3-bedroom dwelling, with a garage, summerhouse, utility and covered porch on the western side of the building. This was the building extent when the applicant purchased the property.
- 2.2 A Prior Notification application was submitted for 'enlargement of dwelling house by construction of additional storey under Class AA of the GDPO - addition of 1 storey maximum height 7.329m', under application ref. UTT/21/3002/PDE. The Council issued confirmation that prior approval was not required for the development on 3 November 2021.
- 2.3 Over the following month, preparations were put in place to start work on the above development, plus additional single storey extensions that constituted Permitted

Development (PD) under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 2.4 Work subsequently commenced on a PD rear extension, and for safety reasons, between 1st and 3rd December 2021 parts of the main dwelling were demolished. Work in reconstructing the walls with the appropriate foundations to meet current Building Regulations subsequently took place. Works ceased on site following a visit from a Council Enforcement Officer on 10 December 2021.
- 2.5 In order to progress matters, an application in respect of the construction of a rear extension as Permitted Development was submitted under Application ref. UTT/22/2118/CLE – ‘Development to the rear of the dwelling known as and situate at Bantam House, Church Lane, White Roding, Dunmow CM6 1RJ consisting of the construction of foundations and walls to form part of a rear extension to the original dwelling house’. The application was validated by the Council on 5 August 2022 and refused on 15 November 2022.
- 2.6 A subsequent application to reinstate the demolished dwelling in the same form and position was refused under ref. UTT/22/3505/FUL in March 2023 (see ‘introduction’ above).
- 2.7 As a result, a request for pre-application advice was submitted in May 2023 under ref. UTT/23/1314/PA. The Council’s written response of 12 October 2023 set out the following key issues to be taken into account in a re-application:
- That there is an “opportunity for a replacement dwelling on this site to respond better to the heritage sensitivity of the local context and the local vernacular-built character” than the previous building.
 - That the traditional design and materials of the 1½-storey dwelling presented in the pre-application submission “were favourable to what previously existed on site”. However, concerns were raised about the plan form, footprint and massing, and that it would be “unduly prominent” compared to the previous single storey dwelling.
 - That the ‘baseline’ for any assessment is the quantum of development which previously existed on site.

- That the Council accepts that the proposal may be considered under ‘exception d’ to paragraph 149 (now paragraph 154) of the National Planning Policy Framework, which allows for the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.

2.8 The applicant subsequently presented the Council with a simpler, more modern design form. In an e-mail on 20 November 2023, the Council’s case officer confirmed that “a modest one and a half storey replacement dwelling of the form being suggested is not likely to represent harm to the significance of the listed buildings but, as before, it will be important to see the proposal on a site plan to establish the position and orientation of the new dwelling in relation to the listed buildings; and to assess its footprint to ensure that it remains subservient to, and does not distract from, the designated heritage assets”.

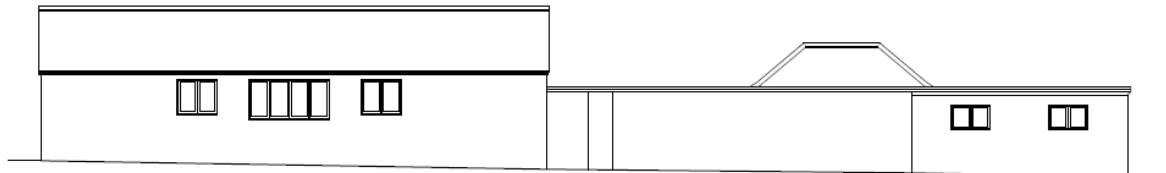
2.9 This advice has informed the scale, design and siting of the dwelling the subject of this application, and is supported by the accompanying heritage impact analysis.

3.0 THE PROPOSAL & CONTEXT

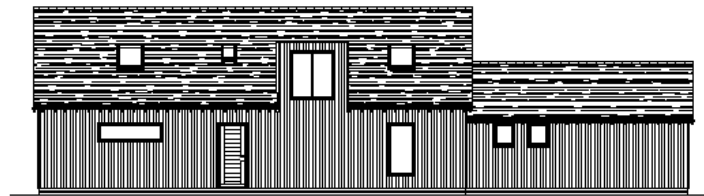
3.1 In the context of the pre-application correspondence, this revised proposal is for a dwelling no larger than that which previously existed, and in a simple design and form which would not compete in the setting of the Grade II* listed St Martin’s Church and the Grade II listed Old Rectory. The replacement dwelling would avoid the sprawling footprint of the former dwelling, and would create a more compact footprint, with a modest amount of accommodation in the roofspace to ensure that views through the site are maintained. The replacement building would be constructed of materials to create a more energy- and thermally-efficient structure than the previous dwelling.

3.2 The proposed dwelling would be less in volume, footprint and floorspace than the building which it replaces, as set out in the following table and elevations, but would rationalise the internal space to better meet modern living standards:

BANTAM HOUSE			
FLOOR AREA AND VOLUME TABLE			
HOST PROPERTY			
	FLOOR AREA	FLOOR COVERAGE	VOLUME
Original dwelling	169	169	585
Lawful extensions	111	111	295
Totals	280	280	880
REPLACEMENT DWELLING			
	265	201	842



Pre-Existing North Elevation - 1:100



Proposed North Elevation - 1:100

The former and proposed northern elevations fronting onto the access road, set behind fencing and new hedge-planting beyond

- 3.3 Vehicular access would be from the western end of the site, as per the existing position, and would be resurfaced. There is ample space within the application site for the parking of vehicles, and storage of refuse and recycling bins.
- 3.4 The site benefits from extensive boundary planting, but would be enhanced as part of this proposal. Native hedgerow planting (hornbeam), underplanted with shade-loving bulbs such as Snowdrops, winter aconites, Scilla siberica and Chionodoxa, would be added to the verge alongside the fencing on the northern boundary of the

site. This would be maintained to be clear of the access road, and would provide a softer edge to the necessary fencing (required for the safety of visiting grandchildren and as a secure enclosure for pet dogs). This planting has been agreed in principle with the vicar of St Martin's Church, and Certificate B notice has been served as the land is within the control of the Diocese.

4.0 NATIONAL AND LOCAL PLANNING POLICY

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The Development Plan includes the Uttlesford Local Plan 2005 (ULP). A new Local Plan was withdrawn in April 2020 following concerns raised about its soundness by Examination Inspectors, particularly in respect of the proposed housing strategy and housing requirements.
- 4.3 The Council published its latest Regulation 18 draft Local Plan on 3 November 2023, with the consultation period running until 18 December 2023. The Council's latest Local development Scheme published in October 2023 gives a timetable for adoption of a new Plan by April 2026.
- 4.4 The 2005 Uttlesford Local Plan therefore remains in force, with the weight to be ascribed to its policies affected by their degree of consistency with the National Planning Policy Framework. The 2005 Local Plan proposals maps must also be considered in the context of more up to date national planning policy. There is no Neighbourhood Plan in place that includes White Roding.
- 4.5 In October 2023, the Council published the 'Uttlesford District Council 5-Year Land Supply Statement and Housing Trajectory Status at 1 April 2023'. The document advises that the Council considers that it can demonstrate 5.14 years of housing supply for the 2023-2028 five-year period. However, as a result of an under delivery of housing (see overleaf), the Council is required to include a 20% buffer, which results in a supply of 4.5 years.

- 4.6 On 19 December 2023, the Department for Levelling Up, Housing and Communities published the Housing Delivery Test: 2022 Measurement. This showed that Uttlesford District had delivered only 58% of its required dwellings in the previous 3 years, and therefore the ‘presumption’ in favour of sustainable development set out in paragraph 11 d) of the National Planning Policy Framework applies.

National Planning Policy

- 4.7 National planning policy is set out in the National Planning Policy Framework (2023) [NPPF], and is supported by the web-based Planning Practice Guidance. The NPPF contains a presumption in favour of sustainable development, which has three objectives: economic, social and environmental. It outlines the importance of delivering a sufficient supply of homes, and a Government objective is to significantly boost supply. Section 5 of the NPPF focuses on the delivery of a wide choice of homes to meet local circumstances and the needs of specific groups.
- 4.8 Section 11 of the NPPF specifies that planning policies and decisions should promote 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 (paragraph 123). It advises that support should be given to the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. In particular, it notes that “substantial weight” should be given to the value of using brownfield land within settlements for homes [paragraph 124 c)].
- 4.9 Section 13 of the NPPF (Protecting Green Belt Land) is of significant relevance to this proposal, and is explored in detail in section 5 of this statement.
- 4.10 Section 16 of the NPPF (Conserving and Enhancing the Historic Environment) is addressed in the accompanying Heritage Statement prepared by Brighter Planning Ltd.

Local Plan Policies

- 4.11 The relevant policies of the Uttlesford Local Plan 2005 are addressed in Section 5 of this statement, but in summary, the following are applicable:

Policy S6 – Metropolitan Green Belt

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 – Development Affecting Listed Buildings

Policy H7 – Replacement Dwellings

Paragraph 6.14 – Infilling

5.0 PLANNING APPRAISAL***The Principle of Development – Metropolitan Green Belt & Policy S6***

- 5.1 The settlement of White Roding is located within the Metropolitan Green Belt (GB), with a defined 'development limit' in the 2005 Local Plan being tightly drawn around the central village core.
- 5.2 Policy S6 of the Uttlesford Local Plan supports 'infilling, limited development or redevelopment compatible with the character of the settlement and its setting', but does not include the more extensive list of 'not inappropriate' development set out the NPPF.
- 5.3 National policy confirms that the construction of new buildings should be regarded as inappropriate in the Green Belt, and that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. However, NPPF paragraph 154 sets out a number of exceptions which are **not** 'inappropriate development'. Of relevance to this proposal is:

154d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".

- 5.4 In its processing of the post-refusal/pre-application enquiry, the Council has accepted that development at the site could in principle accord with the exception listed at NPPF paragraph 149 d) [now paragraph 154 d)], subject to the size, scale and form being sensitive to the setting of listed buildings and the openness of the Green Belt.
- 5.5 The current proposal has taken on board all advice given by the Council's case officer and the Heritage Advisor of Essex County Council. The scale of the building has been significantly reduced, with good use of the roofspace to secure first-floor accommodation. The visual impact would be of a building with single-storey eaves, with a more traditional roof pitch than the previous dwelling. The element that would contain rooms in the roof would be minor, with the remainder of the floorspace contained in single-storey wings.
- 5.6 This would secure a layout suited for modern-living, without creating a building of any greater impact on the site and setting. By utilising a more compact footprint, the actual and perceived effect on the openness of the Green Belt would be improved; the former sprawling layout would be removed, creating a greater sense of space when viewed from outside of the site. The proposed dwelling would have a footprint of 201m² compared to 280m² of the former property; a reduction of some 28%. The minor increase in ridge height above a small part of the building would not materially increase the visual impact of the building, and would be offset by the reduction in footprint.
- 5.7 As a result, the proposal would not be inappropriate development in the GB, and therefore it is unnecessary to demonstrate that very special circumstances exist to justify the development. Implicit in the list of exceptions set out in NPPF paragraph 154 is an acceptance that development within these categories would not conflict with the five purposes of Green Belt designation, or cause harm to the openness of the Green Belt.
- 5.8 However, without prejudice to the above, there are other exceptions within NPPF paragraph 154 applicable to this proposal:

154 e) limited infilling in villages;

...

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development;

5.9 These are addressed below.

Principle of Development - Infilling in Villages

5.10 The development boundary for White Roding included in the 2005 Local Plan is tightly drawn around the core of the village. However, NPPF paragraph 154 e) refers to infilling in ‘villages’ as opposed to within defined boundaries in a Local Plan. It is evident on the ground that the village is more extensive than the development limit in the 2005 Local Plan, and as such the provision of a dwelling on this obvious ‘infill’ site would accord with the exception listed at NPPF paragraph 154 e). Indeed, to find the site unsuitable for infill would be illogical and contrary to natural justice given the very recent presence of a habitable dwelling on the site.

5.11 Moreover, NPPF paragraph 154 g) allows for limited infilling **or the partial or complete redevelopment of previously developed land** (PDL). PDL is defined in the glossary to the NPPF as:

*Previously developed land: Land which **is or was** occupied by **a permanent structure**, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

5.12 The application site retains part of a dwelling, and was until very recently occupied by the permanent structure of Bantam House. There was no material gap in time

between the partial demolition of the former dwelling and commencement of its reconstruction; its current vacant condition is as a result of the refusal of the previous application and the subsequent negotiations which has led to the current proposal. As such, the site would very clearly constitute PDL. It has not “blended into the landscape” as a result of a passage of time.

- 5.13 Having regard to paragraph 154 g), the replacement of the former dwelling would not have a greater impact on the openness of the GB, as it would replace the former building with another of lesser size, and in a more compact footprint that would increase openness. The exceptions of NPPF paragraph 154 e) and g) would apply, and no very special circumstances need be demonstrated to justify a grant of planning permission.

Principle of Development – Replacement Dwelling & Policy H7

- 5.14 Policy H7 of the 2005 Local Plan states:

A replacement dwelling will be permitted if it is in scale and character with neighbouring properties. In addition, outside development limits, a replacement dwelling will not be permitted unless, through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.

- 5.15 This is a positively worded policy that supports the replacement of existing dwellings. In this case, the resultant dwelling would have no greater visual impact than the building it would replace. It would be the same in terms of location, but with improved appearance; the modest increase in height over part of the building facilitates a more traditional pitched roof than the former building. The proposal offers the opportunity for landscape enhancements, including additional planting alongside the boundary with the access road. The proposal is fully compliant with the aims of LP Policy H7. NPPF paragraph 11 sets out a presumption in favour of sustainable development that, for decision-taking, means “approving development proposals that accord with an up-to-date development plan without delay”. The status of the local plan is considered further below, but as a policy-compliant proposal, planning permission should be granted.

Other Material Considerations & Very Special Circumstances

5.16 It has been demonstrated above that the proposal would constitute a recognised exception to inappropriate development in the Green Belt, and would also comply with the Council's policy on replacement dwellings. However, there are other material factors that offer support for the proposal, and these are of such weight that they would also constitute 'very special circumstances' that would **clearly outweigh** any potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. In no particular order, these are:

- Loss of lawful premises: the applicant purchased Bantam House with a view to living at the site as his family home. It is clear from the submission of the previous Prior Notification application that he intended to extend the property, but within the confines of the details shown on the plans submitted at that time. The existing walls and foundations of the property were found to be unsound and the applicant started on a programme of upgrading that on balance resulted in the demolition of much of the dwelling. However, this application seeks to reinstate a dwelling on site, but in a more energy-efficient construction better suited to combat climate change than the former conversion.

Natural justice dictates that it would be unduly onerous for the applicant to lose all beneficial use of the site, and this has been accepted as a reasonable position by the Council in its dealings on the previous application and post-decision negotiations.

- Housing Land Supply: With a 20% buffer, the Council has only 4.5 years of deliverable housing sites. The Housing Delivery Test 2022 Measurement advises that in the three years up to 2022, the Council has delivered only 58% of its required dwellings. As such, the HDT confirms that the "presumption" applies.

The consequence is that NPPF paragraph 11 is engaged, and would render the Council's policies most important to the determination of the application as out of date, with all its ramifications. The presumption in favour of

development means that in this situation permission should be granted

unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; 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.

Being within the GB is not a bar to the engagement of the ‘tilted balance’ set out in NPPF paragraph 11, unless the effect of the proposal on the GB would “provide a clear reason for refusing the application”. In this case, replacing one dwelling with another of lesser footprint and floorspace in a more compact form cannot feasibly be regarded as having any material adverse impact on the GB and its purposes, and therefore the presumption in favour of the grant of planning permission is engaged.

Moreover, the Council’s housing supply and delivery positions means that it should be seeking additional dwellings to meet housing need, not losing existing lawful properties. To reinstate a dwelling on the site would maintain a housing unit, and would also be beneficial to housing supply by creating a building constructed to meet modern standards.

- Biodiversity enhancements: The existing ponds on site have been neglected over a period of years, and this proposal could secure enhancements to create habitat to encourage use by Great Crested newts that would be a net gain. This could be secured via a planning condition, and need not otherwise occur.

Relevant Planning Permission

- 5.17 A permission of relevance to this scheme is an appeal allowed on land adjacent to 1 St Martins Close, Church Field, White Roding, on 28 November 2022, for the “erection of one new three bedroom dwelling with rear garden, garage and parking with new vehicular access onto Church Lane” (refs. UTT/21/1439/OP & APP/C1570/W/21/3285756). St Martin’s Close is parallel to the lane leading to this application site, and the appeal site is prominently positioned at the junction, and also in the Green Belt. Neither the Council nor the Inspector found that the proposal

would affect the setting of nearby listed buildings, and the same must apply in this case.

- 5.18 In assessing the reserved matters for the above appeal site on 1 December 2023, the Council approved a more substantial property than proposed for this site – on an undeveloped site. The response of Place Services on that application noted the proximity of the site to The Old Rectory and Church of St Martin, but also Grade II listed Ivy House and Old Rectory Cottage, and therefore with potentially greater heritage impact than in this case. Nevertheless, no objection was raised. As a more prominently sited building within the Green Belt, for consistent decision-making this must offer support for this application, which is any event acceptable in its own right.

The Three Objectives of Sustainability

- 5.19 The NPPF confirms that there are 3 objectives to sustainable development, these being economic, social and environmental. In terms of location, this proposal would have a neutral impact on accessibility to services and facilities, as it would replace one dwelling and its occupants with another. However, a benefit of this proposal over the former dwelling is that the dwelling would need to be built to meet modern Building Regulations requirements, which are much improved compared to the previous property on site. This includes the installation of an electric vehicle charging point.
- 5.20 Dealing with the three objectives of sustainable development set out in the NPPF, the proposal would secure the following:

Economic Objective: Leaving the application site in a half-finished state would serve no purpose. The construction of the replacement dwelling would provide employment for local building contractors and suppliers of materials. Once constructed, it would re-introduce an active dwelling, bringing residents to the settlement with incomes to support local businesses and facilities in this and surrounding villages.

Although the economic benefits of the proposal may be relatively modest, any house-building has been recognised as making a contribution towards economic development. Very recently, in allowing appeal decision APP/Z1510/W/23/3319053 on 20 November 2023 (in adjacent Braintree District), for a single dwelling, the Inspector noted that:

25. The proposal would make a positive contribution to housing supply by delivering an additional dwelling. This would be in accordance with the provisions of the Framework, which seeks to significantly boost the supply of homes. It would also generate construction jobs and support the economy through increased local spending.

26. Therefore, notwithstanding that the social and economic benefits associated with a single, additional dwelling would be modest, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole. The proposal would therefore constitute sustainable development in terms of policy SP1 of the BLP and the Framework”.

Social Objective: On a small scale, the proposed dwelling would contribute towards meeting housing need, in that it would reinstate a dwelling which has been lost from the market. Housing is important in maintaining viable communities, as it contributes to creating a stable population that would continue to use and support local services and facilities. Every additional dwelling constructed in the District contributes towards housing supply, and the cumulative effect of a number of individual and small schemes can be as useful in meeting housing need as larger allocated sites – and indeed can be delivered far more quickly. The Council has taken this stance in its determination of numerous proposals for single dwellings across the District in recent years.

The replacement dwelling would use materials and detailing that would contribute towards meeting the NPPF aim to create high quality, beautiful and sustainable buildings.

Environmental Objective: The proposed dwelling would make effective use of land by reinstating residential use, and would include measures to enhance the natural and built environment. The relationship to the historic environment would be preserved, as addressed in the accompanying Heritage Statement. The design and construction of the building would meet the challenges of moving towards a low carbon economy.

Character and Appearance & Policy GEN2

- 5.21 The application site is well-enclosed by its landscaped boundaries, and has limited visual impact from outside of the site. The dwelling is accessed via the same route and public footpath that leads to St Martin's Church. On approach to the Church, there would be an awareness of a building, but no more or less than existed prior to the partial demolition of the dwelling.
- 5.22 The area is mixed in terms of the size, scale and construction period of dwellings, and as such there is no characteristic style for the proposed dwelling to follow. The proposal would accord with all of the design criteria set out in LP Policy GEN2, as follows:

Policy GEN2 – Design

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

- a) *It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;* Response: the proposed dwelling would be subservient to The Old Rectory in terms of size and scale, and its form and appearance seeks to provide a contemporary twist rather than a pastiche of an historic building. A building does not have to be the same to nevertheless be compatible with surrounding buildings, and this proposal would complement rather than mimic existing styles.
- b) *It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;* Response: the siting and orientation of the dwelling reflects that of the dwelling which has been partly demolished, but in a more compact form. There is boundary planting through which the building would be glimpsed, and space for additional planting adjacent to the access road. A group of trees subject of a Tree Preservation Order would not be affected by the proposal, and these would ensure that the site would retain its sylvan character and appearance.
- c) *It provides an environment which meets the reasonable needs of all potential users.* Response: the replacement dwelling would be served by a generous private garden area, and its siting and design would ensure that high quality living standards would be secured for future residents.

- d) *It helps to reduce the potential for crime;* Response: there is no benefit to security by leaving a half-built dwelling on the site, whereas this proposal would re-introduce natural surveillance of the track leading to the Church.
- e) *It helps to minimise water and energy consumption;* Response: the dwelling would incorporate modern measures to minimise its environmental impact.
- f) *It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.* Response: the proposal has taken account of published design guidance, and post-decision design advice from Place Services and the District Council.
- g) *It helps to reduce waste production and encourages recycling and reuse.* Response: there is ample space available for on-site recycling storage.
- h) *It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.* Response: the limited roof space accommodation and the position some distance from neighbouring dwellings means that the proposal would have no material impact on the amenities enjoyed by neighbouring residents.
- i) *It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.* Response: as above.

5.23 It is clear that the proposal would be compatible in the settlement, and that it would satisfy all of the criteria of Policy GEN2.

Heritage Matters

5.24 This is addressed in the separate Heritage Statement prepared by Brighter Planning.

Residential Amenity

5.25 The only dwelling in the vicinity of the site is The Old Rectory, a two-storey dwelling that would be sited approximately 33m away at the closest point and with boundary planting in between. The replacement building would be no closer to that property than the former dwelling, and the nearest elements would be single-storey. There would be no rear-facing roof openings directed towards The Old Rectory. The relative position of buildings, with The Old Rectory sited to the south-east of the application building, means that there would be no direct inter-looking between properties.

- 5.26 No other residential properties on Church Lane or in St Martin's Close could feasibly be affected by the proposal, and therefore it has been demonstrated that the requirements of LP Policies GEN2 and GEN4 would be met with regards to the relationship with neighbouring residents.

Highway Matters

- 5.27 The application site is accessed off the track leading to St Martin's Church, and which in turn leads to the public highway of Church Lane. Although the church access is a private route, Public Footpath 13 (PROW 56_13) runs along its length.
- 5.28 With some resurfacing to the crossover, this proposal would utilise the same access arrangements as the previous dwelling, and with no material change in vehicular activity. There is ample space on site for parking to meet the needs of residents. The installation of an electric vehicle charging point is proposed.
- 5.29 The proposal would therefore accord with the requirements of LP Policies GEN1 and GEN8.

Biodiversity & Trees

- 5.30 This application is accompanied by a Preliminary Ecological Assessment (PEA) & Precautionary Method Statement (PMS) prepared by ACJ Ecology. The PEA does not suggest further survey work, but given the location a PMS has been prepared in respect of Great Crested Newts.
- 5.31 There are a number of trees the subject of a Tree Preservation Order at the site, these being a group to the north-west of the proposed dwelling, along the northern boundary of the site; and 3 separate specimens towards the eastern end of the site, all as part of TPO reference 1/82/65 (29 individual trees and 2 areas). However, none would be affected by the development, and suitable protection measures would be put in place during construction work.
- 5.32 Subject to the imposition of planning conditions securing the PMS and the protection of trees during construction, the requirements of LP Policies GEN7 and ENV3 would be met.

6.0 CONCLUSIONS

- 6.1 This application seeks to replace a dwelling which has been partly demolished with a replacement dwelling of similar location but lesser size and improved design and appearance. Although located within the Green Belt, the principle of replacing a building with another in the same use is accepted in national and local planning policies. Such a development is not inappropriate in the Green Belt, and as such very special circumstances are not required to justify it. Nevertheless, this statement sets out material considerations in support of the proposal of such weight as to constitute very special circumstances.
- 6.2 The recently published Housing Delivery Test 2022 Measurement confirms that the Council has delivered only 58% of its required housing in the past three years, and that the “presumption” applies. Paragraph 11 of the NPPF is therefore engaged: that the Council’s housing policies are to be regarded as out of date, and that for decision-taking, the presumption in favour of sustainable development means **granting permission** unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**. It is clear from the above assessment that no such harm would arise, and certainly no significant harm that would outweigh the benefits of (1) reinstating a family dwelling at the site; (2) re-using previously-developed land; (3) providing a dwelling of enhanced design compared to the former property; (4) providing a dwelling footprint that would increase the openness of the Green Belt; and (5) introducing opportunities for biodiversity and landscape enhancement that would otherwise not arise. The fact that the site is within the Green Belt does not alter the engagement of NPPF paragraph 11.
- 6.3 In conclusion, the proposal would accord wholly with the aims of national and local planning policy and the grant of planning permission is anticipated.