

HUTCHINSONS

Application by Countryside Partnership PLC and others

**Land south of Henham Road,
Elsenham**

**Representations of
ELSENHAM PARISH COUNCIL**

PINs Ref: S62A/22/0007

LPA Ref: UTT/22/2174/PINS

September 2022

HUTCHINSONS

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1 INTRODUCTION

- 1.1 These representations are submitted by Alison Hutchinson of Hutchinsons on behalf of Elsenham Parish Council in respect of the application submitted by Countryside Partnerships PLC, Sir Richard Nigel Charles Mordaunt, David Arthur John Mordaunt, Tessa Anne Nutting and Peter Anthony Charles Mordaunt for residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access, on land to the south of Henham Road, Elsenham, Essex.
- 1.2 Elsenham Parish Council considered the application at its meeting on the 5 September 2022 and resolved to **Object** to the application. This document sets out the Objections of the Parish Council. The objections are set out in the following sections:
- Planning Policy
 - Heritage
 - Landscape and Visual Impact
 - Transport
 - Matters of Design
 - Impact upon Local Infrastructure
- 1.3 The Representations conclude with a Planning Balance.
- 1.4 Before explaining the objections, these representations set out the background to recent applications and development in Elsenham over the last 10 years.

2 BACKGROUND

- 2.1 The village of Elsenham has been the subject of numerous planning applications and development over the last 10 years. As a consequence, it has grown in population but not in the facilities that the village provides. Below is a summary of the planning history of the village in the last 10 years which informs some of the concerns that the Parish Council now has to the current application.
- 2.2 Elsenham was identified in the 2014 draft Local Plan for strategic housing growth of some 2100 new homes as a new linked settlement to the north of the village. The proposed allocation of some 131ha included 4 hectares of employment, and supporting infrastructure including a primary school, shops, community buildings and a new transport interchange and other transport improvements. Land was also to be safeguarded for a secondary school should it have been needed.
- 2.3 The draft Local Plan was subject to an Examination in Public in December 2014 but was stopped by the Examining Inspector on the basis that he considered the allocation to be unacceptable and the Plan unsound. His initial letter dated 3 December 2014 set out his initial concerns. He stated:

From all the material produced on this issue by the Council, by the promoters of the site, and by opponents of the allocation, I have severe concerns about the justification for this proposal and thus the soundness of the plan as a whole.

On the basis of its size and level of services the plan regards Elsenham as one of 7 'key villages', the function of which is 'to act as a major focus for development in the rural area, suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area'.

There is no reason in principle why the plan should not propose a step change in the size and status of a key village if this is justified as a sustainable way to meet the district's needs. However, Elsenham is embedded within a rural road network and the areas of the existing and proposed new parts of Elsenham are substantially divided by the railway line, a situation which could become worse if the crossing is closed.

At Elsenham the opportunity to use trains is a definite benefit but this will only

affect a small minority of journeys. The current infrequent bus services will be improved but will still only be modest. Designed opportunities for safe walking and cycling on site will be good, but beyond that effectively no better than they are at present. Most travel will be on rural roads heading mainly west towards Stansted Mountfitchet through roads clearly unsuited for the purpose, or south through the Countryside Protection Zone via the longer route of Hall Road to the airport and destinations along the A120.

It is unclear that any of these routes are fit for purpose to the extent that Elsenham would be able to overcome its overall connectivity disadvantages and be regarded as a sustainable location for growth on this scale.

- 2.4 The Examining Inspector subsequently expanded on his summary letter in respect of then proposed Policy ELS1 in his Full Conclusions dated 19 December 2014. He commented that the ULP effectively proposed a major village expansion and that:

Looking at the present context of Elsenham, other ULP proposals (Elsenham 3-6) are already mostly commitments. These will add about 550 homes to a village which in 2001 (according to EX117) had 922 households. Adding a further 2,100 homes to a village of perhaps about 1,500 existing and committed homes (on the basis of the above figures) would bring Elsenham to a total of about 3,600 homes. Potential future extension of the allocation to 3,500 homes after 2031 would increase the overall size of the village to as much as 5,000 homes. Expansion on either of these scales would bring major change in Elsenham's place in the hierarchy of Uttlesford's settlements. Before embarking upon any part of the Elsenham policy 1 proposals it is therefore crucial to ensure that this is an appropriate location for such expansion. (Para 2.3)

- 2.5 The Inspector thereafter considered the proposed connections of the village and concluded that it was not sustainable. He concluded at paragraph 2.16 that:

It is therefore a major disadvantage of the plan's policy for Elsenham that the village lies at some distance from the strategic network in a location embedded within a network of rural roads acknowledged as currently unfit to serve expansion on the scale proposed. Public transport is available and can be improved to some degree and the planned growth of local facilities

would help to reduce transport demands. Benefits of the latter point would increase with the scale of the planned development. Nonetheless, the development would place substantial increased pressures upon existing unsuitable rural routes. Various proposed mitigation measures and solutions have been proposed for overcoming this disadvantage but these have not been shown either to be clearly able to secure their objectives or to be deliverable. My overall conclusion on the evidence is that there are severe doubts that Elsenham could overcome the connectivity disadvantages of its location sufficiently to be regarded as consistent with national policy or effective in being able to secure sustainable development.

- 2.6 The Plan was subsequently withdrawn by the Council in 2015 and a new plan embarked upon.
- 2.7 In his Conclusions, the Examining Inspector also referred to the planning application for 800 dwellings which had been submitted on part of the proposed allocation site (ELS1) by Fairfield (Elsenham) Ltd in 2013 under reference UTT/13/0808/OP (the Fairfield Appeal).
- 2.8 The Fairfield appeal proposal was for up to 800 dwellings together with up to 0.5ha of class B1a and B1c employment uses, retail uses (up to 1,400sqm), a primary school, a Health Centre and community buildings and changing rooms. Access was proposed from Henham Road and from Old Mead Road to the north of the village and the railway station. A link road was also proposed at Elsenham Cross which would connect the B1051 Henham Road and Hall Road. The inquiry took place in 2014 and was conjoined with another appeal for 650 dwellings on land to the west of Great Dunmow. Both appeals were subsequent dismissed by the Secretary of State on 25 August 2016¹. The Secretary of State's decision for Elsenham is appended to this representation (Appendix 1).
- 2.9 In his decision letter the Secretary of State concluded that, at the time, the Council had a five year supply of housing land but gave limited weight to harm through the loss of BMV agricultural land and to conflict with LP Policy ENV5 as there were no substantial areas of lower grade land close to existing settlements in Uttlesford. He also concluded that the scheme would bring significant volumes of additional traffic

¹ APP/C1570/A/14/2219018

to a village at a significant distance from employment and services and also that it was unlikely that traffic could be accommodated on the surrounding roads which weighed heavily against the scheme.

2.10 In his overall balance and conclusions the Secretary of State considered that:

50. In deciding this appeal, the Secretary of State has had regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Secretary of State agrees with the Inspector's conclusions on the development plan at IR 15.107. Having regard to these and to all other relevant matters, the Secretary of State concludes that the proposal does not comply with the development plan as a whole because of the identified conflict with LP policies S7 and ENV5. The Secretary of State has then gone on to consider whether there are any material considerations that would justify deciding the case other than in accordance with the development plan.

51. The Secretary of State agrees with the Inspector that the LP housing policies written to apply until 2011 are now out of date (IR 15.108). He agrees with the Inspector that the LP policies which refer to development limits and boundaries, such as policies S1 and S3, are in conflict with the Framework and should be given limited weight (IR 15.108). He agrees with the Inspector that other saved LP policies should be afforded weight in line with Paragraph 215 Framework (IR 15.108), and he affords them moderate weight given their partial consistency with the Framework.

52. The Secretary of State has carefully considered the Inspector's overall conclusions (IR 15.108-15.112.) He agrees with the Inspector and gives substantial weight to the provision of affordable housing (IR15.110). He agrees with the Inspector that the provision of market housing would have attracted significant weight, but he reduces this to modest weight as he has concluded that the Council have established a 5 year HLS, and because only a proportion of the housing will be completed in the first five years (IR 15.110). He agrees with the Inspector and attaches moderate weight to the economic benefits offered by the proposal and limited weight to the potential for good design (IR15.108). Against this, the Secretary of State weighs the

harm to the character and appearance of the countryside, to which he attributes limited weight. He agrees with the Inspector and gives limited weight to the loss of BMV agricultural land (IR 15.110). The Secretary of State agrees with the Inspector that the substantial impact on the surrounding road network weighs heavily against the proposal (IR15.111). He gives significant weight to the conflict with Policy S7, and further limited weight to the conflict with Policy ENV5.

53. The Secretary of State concludes, in agreement with the Inspector (IR15.111) that the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (IR 15.111) and as such the proposal does not amount to sustainable development. The Secretary of State therefore concludes that the appeal should fail.

Subsequent Planning Permissions

- 2.11 The 2014 Draft Local Plan also identified three other major development sites:
- Land west of Station Road – 155 dwellings
 - Land west of Hall Road – 130 dwellings
 - Land south of Stansted Road – 165 dwellings
- 2.12 Planning Applications were submitted in 2014 for all three sites and planning permissions granted. Land west of Station Rd (which effectively relates to land to the north of Stansted Road) and South of Stansted Rd have been developed. Land west of Hall Road (UTT/19/0462/FUL) has not yet been developed although the Section 106 has now been signed. The three sites were to fund a new Community Hall to be located on land adjacent to the current village playing field.
- 2.13 Further applications have been approved on appeal in 2020 –
- 350 dwellings on land to the north of Henham Road²
 - 99 dwellings on Land off Isabel Drive and Land off Stansted Road³

² Appeal Ref: APP/C1570/W/19/3243744

³ Appeal ref: APP/C1570/W/20/3256109

- 40 dwellings on land at Rush Lane⁴

2.14 The Parish Council is also aware of a further proposal by Bloor Homes to extend the permitted development of 350 dwellings⁵ for Fairfield (Elsenham) Ltd by a further 200 dwellings. That is currently the subject of a Scoping Opinion.

2.15 As a consequence, and despite the Examining Inspector's concerns regarding the location of Elsenham embedded within a network of rural roads acknowledged as currently unfit to serve expansion on the scale proposed and that of the Secretary of State in relation to the substantial impact on the surrounding road network which weighed heavily against the proposal, subsequent applications and appeals have now increased the numbers of housing in the village past the 800 dwellings deemed to be unacceptable by the Secretary of State. However, few highway improvements or improved community facilities have been provided to accommodate the increased population of the village. These matters are discussed in more detail later in these representations.

2.16 The table below sets out the numbers of dwellings now approved in Elsenham since 2012:

Reference	Date of Approval	Description	Number	Status
UTT/2166/11/DFO	15 Aug 2012	Orchard Crescent	53	Complete
UTT/12/6116/FUL	7 Feb 2014 (appeal)	Old Goods Yard	10	Complete
UTT/13/2917/FUL	23 July 2014	Hailes Wood	32	Complete
UTT/15/1121/FUL	9 Dec 2015	Hailes Wood, additional	3	Complete
UTT/14/3279/DFO	1 May 2015	North of Stansted Road	155	Complete
UTT/15/2632/DFO	5 Feb 2016	South of Stansted Road	165	Complete
UTT/17/0335/DFO	6 July 2017	Elsenham Nurseries	42	Complete
UTT/17/2542/DFO	22 Dec 2017	North of Leigh Drive	20	Complete
UTT/19/0462/FUL	6 Nov 2019	West of Hall Road	130	Planning permission granted July 2022

⁴ Appeal Ref: APP/C1570/W/19/3242550

⁵ APP/C1570/W/19/3243744

UTT/19/0437/OP	4 Sep 2020 (granted on appeal)	Rush Lane	40	Detailed application awaited
UTT/21/3269/DFO	1 June 2022 (granted on appeal)	North-west of Henham Road	350	Commenced
UTT/19/2470/OP	31 Dec 2020 (granted on appeal)	West of Isabel Drive	99	Detailed application lodged
Small schemes	Various	Various	36	
TOTAL			1,135	

Source: Elsenham Parish Council.

3 RELEVANT PLANNING POLICIES

- 3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It follows therefore that where proposals are contrary to policies of the Development Plan, then development should be refused unless there are material considerations that indicate otherwise.
- 3.2 The development plan comprises the Uttlesford Local Plan 2005 and the Essex Minerals Local Plan 2014. It is not considered that the Essex minerals Local Plan is relevant to this application.
- 3.3 The Parish Council considers that the proposals are contrary to policies of the development plan and specifically to the following Policies for the reasons set out below:
- S7 – The Countryside
 - S8 – The Countryside Protection Zone
 - GEN1 – Access
 - GEN6 - Infrastructure Provision to Support Development
 - ENV2 – Development affecting Listed Buildings
 - ENV7 – The Protection of the environment – Designated Sites
- 3.4 Elsenham is one of five settlements that are identified in Policy S3 (Other Development Limits) of the 2005 Local Plan as Key Rural Settlements where development compatible with the settlement's character and countryside setting will be permitted within the boundaries of the settlement.
- 3.5 The application site is located within open countryside outside the identified development limits of the settlement of Elsenham. The development limits of the settlement of Elsenham are identified by the Proposals Maps contained in the 2005 Local Plan.
- 3.6 Development within the countryside is subject to Policy S7 – The Countryside - which seeks to protect the countryside for its own sake and confirms that planning

permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy also states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed should take place there.

- 3.7 The application site is located to the east of Elsenham beyond the development limits of the settlement and within the open countryside which extends around the village. The proposals involve the development of 130 dwellings and represent a large new modern housing estate within open countryside. Its location beyond the settlement boundary together with the harm it causes to the character and appearance of this part of the countryside is such that it does not accord with the requirements of Policy S7 and it is therefore contrary to Policy S7.
- 3.8 Policy S8 relates to the Countryside Protection Zone (CPZ) which is located around Stansted Airport and identified on the Proposals Map. The Zone is designed to retain a local belt of countryside around the airport that will not be eroded by coalescing developments. The policy restricts new development within the Zone and will not be permitted if it either promotes coalescence between the airport and existing development in the countryside or it would adversely affect the open countryside of the Zone.
- 3.9 The application site is located within the Countryside Protection Zone which wraps around the southern end of Elsenham. It is considered that the development of the application site will contribute to the extension of the settlement and the loss of the open countryside which forms the Countryside Protection Zone adjacent to the settlement and will adversely affect the open characteristics of the Zone. It is considered that the development is therefore contrary to Policy S8 in that it will affect the openness of the CPZ.
- 3.10 Policy GEN1 – Access requires development to meet the criteria set out in that policy which includes that traffic generated by the development must be capable of being accommodated on the surrounding transport network, that the design of the site must not compromise road safety and take account of the needs of cyclists, pedestrians, public transport users horse riders and people whose mobility is impaired, and that the development encourages movement by means other than a car.

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- 3.11 However, the location of the site and its means of access is such that access to key facilities, shops, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option will be the car. The proposal will, in conjunction with committed development in the area, lead to an unacceptable cumulative impact on the surrounding highway network, contrary to the requirements of Policy GEN1 and the NPPF.
- 3.12 Local Plan Policy GEN6 requires that development makes provision at the appropriate time for infrastructure that is necessary for the development. The NPPF also requires such facilities to be provided to enhance the sustainability of communities and residential environments. The application as submitted fails to make adequate provision for the necessary mitigation for infrastructure. The Parish Council consider that it is necessary for contributions towards a village Community Hall should be provided as part of this application. Furthermore, although the applicants advise that they will provide affordable housing, there is no mechanism to ensure that these requirements are provided in accordance with Policy GEN6 (and Policy H9 – Affordable Housing). The Parish Council accepts however, that if an appropriate legal agreement which brings forward the necessary mitigation and provision, then the development would not be contrary to these policies and the Parish Council's objections on this matter would be overcome.
- 3.13 Policy ENV2 seeks to ensure that development affecting listed buildings is in keeping with their scale, character and surroundings. In this case, the proposed development would result in the loss of the countryside views which contribute to the setting and therefore towards the significance of a significant number of Listed Buildings. The applicants accept that there would be an adverse effect on designated heritage assets and consider that the harm would be less than substantial harm. As the proposal would harm heritage assets it is considered that the application is contrary to Policy ENV2.
- 3.14 Policy ENV7 also relates to the protection of designated sites and refers specifically to SSSI's and local nature reserves. It also places a presumption against development proposals that adversely affect nationally important sites such as Sites of Special Scientific Interest unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve.

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- 3.15 The site is within 6 miles of the Hatfield Forest SSSI (owned by The National Trust) providing future residents access to the Forest and SSSI. Natural England and the National Trust have prepared a Strategic Access Management and Monitoring Measures (SAMMs) document aimed at helping to facilitate the management of visitor pressure on the SSSI. In such situations, and as required by development on the land to the north of Henham Road, Natural England requires both off-site mitigation through contributions to the SSSI and also on-site mitigation. The application does not make provision for either any contribution towards the SSSI and provides limited on-site mitigation such that it is unlikely to deter future residents from driving to Hatfield Forest for recreational activities including dog walking. In this situation, the Parish Council considers that the proposed development fails to provide adequate mitigation for Hatfield Forest SSSI and therefore the proposal is contrary to Policy GEN7 of the Local Plan.
- 3.16 The application is in outline with all matters reserved for future approval apart from Access. However, the Applicants repeatedly rely on the design of the proposal as mitigating harm, particularly in relation to the listed buildings and the Parish Council therefore considers that Policy GEN2 – Design is relevant. This requires proposals to meet the criteria set out in the policy and to provide a high standard of design. The criteria include, amongst others, that (a) it is compatible with the scale, form, layout, appearance and materials of surrounding buildings, (b) that it safeguards important environmental features in its setting, enabling their retention and helping reduce the visual impact of new buildings or structure where appropriate, and (c) that it provides an environment which meets the reasonable needs of all potential users.
- 3.17 The application is accompanied by an illustrative Masterplan and Layout Plan which provide an indication of how the site is to be developed and how the mitigation would be provided. It is considered that the site does not satisfy the criteria contained in Policy GEN2 in that it does not provide a development that is compatible with the scale, form, layout, appearance and materials of surrounding buildings which include Listed Buildings (criterion a) nor does it safeguard important environmental features in its setting, enabling their retention and helping reduce the visual impact of new buildings or structure where appropriate (Criterion b), and the application is therefore contrary to that policy.

4 HERITAGE

- 4.1 The Parish Council considers that the proposal has a harmful impact on the adjacent listed buildings and is contrary to Policy ENV2 and to the NPPF.
- 4.2 The site sits on the open land adjacent to the historic core of Elsenham at Elsenham Cross. This area contains the largest concentration of listed buildings in the village mostly centred around the Cross but also including Elsenham Place and the Barns and Dovecote to the northeast of the site and also Gardeners Cottage and outbuildings further east along Henham Road. All the buildings are Grade II listed. To the west of Hall Road is the Old Vicarage, also Grade II listed. To the south of the Stansted Brook is the Grade 1 St Mary's Church and Elsenham Hall (Grade II). The application site affords views from within and across the site towards these listed buildings (apart from Gardeners Cottage and outbuildings) and forms the setting of most of these buildings.
- 4.3 The Parish Council notes that the application is accompanied by a Built Heritage Statement which assesses the various heritage assets and which considers that the site makes a positive contribution to the setting of many of the buildings. In relation to Elsenham Place it states:

The Site makes a positive contribution to the significance of the asset, both aesthetically and functionally through representing part of the open agricultural land, and through historically being under the same ownership. This contribution is positive.

- 4.4 In relation to the Elsenham Place Barns and Dovecote the report confirms that:

The group value of the buildings makes an important contribution to the overall significance. This immediate setting is from where the buildings can be most readily understood.

The wider setting also makes an important contribution to the understanding of the assets, with the buildings being linked to their agricultural landscape. The open fields which surround the buildings therefore play a role in the significance of the assets and this includes the Site. The past shared ownership of the Site and these assets shows that it is likely that the barn served the fields within the

Site. In addition to historical functional contribution, the Site also makes a contribution to the aesthetic interest of the building, with views across the Site to the assets being an important contributor to the aesthetic understanding of these buildings in their rural context. It is considered that the Site makes a moderate, positive contribution to the overall significance of the two listed buildings.

- 4.5 In terms of the cluster of listed buildings centred around the Cross, the report considers that

The Site forms a part of the wider setting and contributes peripherally to this character through providing views of open land. This makes a small positive contribution as it represents the historical agricultural setting of these buildings.

- 4.6 With regard to 1 and 2 The Cross, the report considers that the building has a high degree of aesthetic interest, which can be experienced from a number of different angles. It groups together with the other listed properties discussed above, as it formed a small hamlet settlement and was a largely rural community.

- 4.7 And that in relation to its setting:

The wider setting also includes the surrounding agricultural landscape and established mature tree line to the hinterland. The property backs immediately on to the Site and is partially separated by hedge planting. This provides a rural outlook to the cottage and allows for an understanding of it within a rural settlement. The Site was also historically under the same ownership as 1 and 2 the Cross and it therefore shows historical functional connection. The Site therefore makes a positive contribution to the significance of the heritage asset.

- 4.8 However, notwithstanding the conclusions that the application site makes a positive contribution towards the above heritage assets and, in the case of the Elsenham Barn and dovecote that it makes an ‘important contribution’ and also that the site ‘*could potentially alter the understanding of the listed buildings (Elsenham Place, Barns and Dovecote) through erosion of the functional connection and through bringing the built form of the village of Elsenham closer to these heritage assets*’, the Heritage Report claims that the potential harm has been mitigated and reduced with the design. It claims that the proposed area of grassland in the north eastern corner of the site

together with the tree buffer would maintain the functional separation of the heritage assets from the built form of the village such that the moderate level of harm caused by the proposals would be partly alleviated.

- 4.9 Overall, the Applicants conclude that impacts to the identified listed buildings vary between *negligible and a low-moderate level of less than substantial harm*, principally due to their proximity to the Site and changes within their wider settings that affect visual and historical functional connections. Furthermore, the Applicants claim that the potential for impacts on the historic environment has been minimised through design. This includes the layout of the site, positioning of building mass and the establishment of new locations that provide opportunity to experience and appreciate historic assets. They therefore consider that any residual harm will be weighed against the public benefits of the scheme.
- 4.10 The Parish Council considers that the Applicants have downplayed the impact on the heritage assets. The heritage assets rely substantially on the application site for their setting and it contributes significantly to the views of the heritage assets and their understanding. The site provides the only agricultural field from which, and across which, the large and prominent barns at Elsenham Place can be viewed and appreciated in their agrarian setting and context. They are prominent to views when walking along Hall Road and Henham Road and have direct views from the Public Footpath that crosses the northwestern corner of the site. As a consequence, it can be appreciated how these barns have functioned over their lifetime.
- 4.11 The collection of listed building clustered around the Cross also relies on the application site for their setting and for providing the open views and appreciation of these assets when approaching the historic core of Elsenham from both Henham Road and Hall Road as well as the public footpath. It should also be appreciated that Hall Road forms an important pedestrian and historic link between the Grade 1 St Mary's Church, the Grade II Old Rectory and the historic area of Elsenham based around The Cross. The Parish Council fully accepts that development to the west of Hall Road has gradually eroded the setting of some of these assets but considers that this makes the open field more valuable in providing the last area where the original setting of the assets can be appreciated and which provides the intervisibility between the assets which allows their relationship and linkages to be understood.

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- 4.12 The Parish Council also notes that the consultation response from Place Services who provide the specialist heritage advice to Uttlesford District Council considers that the development will result in harm to the various assets. The consultation response dated 16 September 2022 considers that the proposed residential development of the site would have a significant urbanising effect on the cluster around The Cross and furthermore, that factors such as noise, general disturbance and light spill must also be considered, and which cannot be fully mitigated. Place Services consider that the residential development of the site would result in less than substantial harm to the setting of the above heritage assets but contrary to the Applicants, place the level of harm to be higher within the low/middle of the spectrum.
- 4.13 Place Services also considers that the development would have a considerably harmful urbanising effect upon the heritage assets to the east of the site including the dovecote and Barns to west of Elsenham Place, to Elsenham Place and also including Gardeners Cottage, and the range of thatched timber framed outbuildings and barn to west of Gardeners Cottage. Place Services assess this harm to also be less than substantial but place the harm at the middle of the spectrum given the proximity and functional association of the site to the assets.
- 4.14 The Consultation response also concludes that there is harm to the Old Vicarage at the low/middle spectrum of less than substantial harm but concludes there is no harm to St Mary's Church.
- 4.15 Place Services response bears out the Parish Council's concerns regarding the impact on some of the most important heritage assets in the village. This part of the village is unique in its cluster of listed buildings. Elsenham has few other listed buildings and there is no Conservation Area, the remainder of the village largely evolving over more recent years. As a consequence, the Council places considerable importance and weight on the preservation of these listed buildings and their settings as required by S66(1) of the Planning (Listed Buildings & Conservation Area) Act 1990
- 4.16 The Applicant acknowledges in their Heritage Statement that the proposed development results in less than substantial harm to the significance of the relevant built heritage assets. The Parish Council considers that the Applicant downplays the level of harm to the listed buildings and relies very much on matters of design (which

are yet to be determined) to help mitigate that impact. The Parish Council considers that the suggested mitigation measures are inadequate. A Heritage Trail around the edge of the site would provide few points of views of the listed buildings. It would fail to provide the proper agrarian context for the buildings or their interrelationship and instead they would be seen in the context of modern housing. The location of an Orchard or other forms of landscaping would further obscure the Barns and Dovecote from views and does not form an acceptable form of mitigation. Rather it adds to the impact of the development and may be regarded as harmful to the setting of the Elsenham Barn, Dovecote and Place in its own right. The location of trees/Orchard in this location would also obscure one of the only views of St Mary's Church from Henham Road where it is seen together with the Barn and Dovecote.

- 4.17 Place Services agree with the Applicants' assessment that the impact of the development is less than substantial harm but consider that the harm is greater than suggested by the Applicants. The Parish Council agrees with that conclusion. As there is clear identified harm to Listed Buildings, NPPF Paragraph 202 is applicable as is Section 66 of the Planning (LB & CA) Act 1990. Paragraph 202 requires the harm to the heritage assets to be weighed against the public benefits of the proposed development and the Parish Council does that exercise later in these representations.

5 LANDSCAPE AND VISUAL IMPACT

- 5.1 The Parish Council considers that the proposal will have a harmful impact on the visual character and amenities of the area application and that, by reason of its location, size, scale in relation to Elsenham and to the sloping nature of the site, the development would result in a harmful form of development and would fail to protect or enhance the character of the countryside contrary to Policy S7 of the Uttlesford Local Plan.
- 5.2 Elsenham is now a large village which has been extended in all directions. Elsenham Cross forms the historic core of the village and the village extended to the west and north primarily over the last 100 years. The village is effectively hemmed in to the west by the M11 motorway and by the mainline East Coast railway to the east. Development has also been allowed more recently which fills in the few remaining green spaces between those two transport arteries and which provided buffers between the village and the M11 and the railway (eg. Rush Lane and Isabel Close and land West of Hall Road). Furthermore, development has recently been allowed to the north of Henham Road which now considerably extends the village on the eastern side of the railway line. The Application site now forms the last of the green spaces adjacent to the village and which provides the countryside setting referred to in Policy S3 of the Local Plan.
- 5.3 The application site occupies a significantly sloping site on the valley side of the Stansted Brook and is separated from the main developed area of the village by Hall Road and Henham Road and the railway further to the west. Hall Road slopes down to the Stansted Brook and then rises again on the opposite side of the valley. It forms the pedestrian link between the Grade 1 St Mary's Church and the village. The Site is very visible from the footpath along Hall Road which provides clear views across the northern part of the site towards the listed complex of the Elsenham Barns, the Dovecote and Elsenham Place. Further south the footpath switches to the eastern side of the road and is lower than the site which crowns to the east and north. Views from this part of the footpath are restricted by the topography of the site but still afford views towards the roofs of the listed barn, the Dovecote and the roofs of the buildings along the northern side of Henham Road, including the distinctive red tiles roof of the listed Lodge.

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- 5.4 Views along the Henham Road footpath extend towards Elsenham Hall and St Mary's Church, glimpses of which are visible through the trees in the summer but are more visible during the winter months. Views are generally curtailed by the trees to the south of Stansted Brook but there are limited views to the countryside beyond.
- 5.5 Footpath PROW 13_13 crosses the northwestern section of the application site and provides comprehensive views towards the listed barn and Dovecote and also towards Elsenham Cross. The footpath runs along the higher ground of the site and therefore provides views over the rest of the site to the south towards Stansted Brook. The footpath crosses Hall Road and then continues in a south westerly direction through the Hall Road site⁶ linking up with PROW 13_17 before extending to Tye Green Road near the pedestrian crossing of the railway.
- 5.6 The Parish Council accepts that the site has limited intervisibility with the wider countryside due primarily to the woodland that extends along the Stansted Brook and along the western side of Hall Road. However, unlike the well screened site proposed to be developed on the western side of Hall Road under UTT/19/0462/FUL, the current application site is far more exposed with limited natural screening and planting both within and around its boundaries. Furthermore, the site is considerably higher than Hall Road for much of its length so that housing will sit higher than the road and will dominate views from Hall Road. The topographical Survey (Drwg No SURV2956) shows that the site is approximately 1.5m to 2m higher than the road for much of its length, levelling out more towards the north of the site as the land rises. However, the difference in levels across the site is significant with the highest area of the developable part of the site being some 8m higher than the lowest part near the brook. That difference is very apparent from the footpath along Hall Road.
- 5.7 The Applicants have submitted an illustrative masterplan and an illustrative layout plan to show how the site is capable of being developed. Whilst it is accepted that these plans are illustrative, they nevertheless represent the basis of the Applicants' supporting information including that contained in the Landscape, Townscape and Visual Impact Assessment. As a consequence, they represent a reasonable assessment of the likely future development of this site. The layout shows that the dwellings will be built throughout this prominent site such that that views from Hall

⁶ UTT/19/0462/FUL

Road will be dominated by two storey housing which is to be built all up the slope and alongside the road. It is considered that, with the difference in levels, combined with the higher plateauing of the land to the north, the development will result in the proposed dwellings being visually prominent and intrusive and will dominate views from Hall Road into the village.

- 5.8 Even though planting is being suggested around the site it is not considered that this would adequately screen the site nor would it mitigate the dominance and height of the dwellings. The Design and Access Statement shows the proposed heights of the dwellings at Figure 3.1.4 (page 65) and that for the most part, they would be two storey throughout. The Parish Council considers that these dwellings, combined with the need for lighting etc. will be visually intrusive and unacceptable in both daytime and night time views.
- 5.9 The Parish Council also considers that the location of dwellings so close to PROW 13_17 will remove any widespread views which are currently afforded to users and will have an adverse effect on the visual amenity of users. The housing is shown close to the footpath and there is very limited space within the site to provide any offset and buffer to the public footpath.
- 5.10 The Parish Council has noted the contents of the submitted Landscape, Townscape and Visual Impact Assessment (LTVIA) but considers that the Assessment underplays the impact of the development.
- 5.11 The LTVIA refers to the Essex Landscape Character Assessment dated 2003 and 2006. The Parish Council considers that the more detailed and finely grained 2006 Landscape Character Assessment provides a more detailed and accurate description of the Character Area within which the site lies – A3 The Stort River Valley. Although the LTVIA refers to the Key Characteristics of the Stort River Valley as set out in the 2006 LCA, and the visual characteristics, it fails to refer to the LCA's Sensitivities to Change which are described as '*Overall this character area has relatively high sensitivity to change*'.
- 5.12 The LTVIA also ignores the Suggested Landscape Planning Guidelines for the Stort River Valley LCA which states:

- *Consider the landscape pattern and structure of large woodland areas and*

the role that they have in the composition of views to and from the area.

- *Ensure that new riverside planting is designed to enhance landscape character and that species composition reflects local character.*
- *Ensure any new development on valley sides is small-scale and that it responds to historic settlement pattern, form and building materials.*
- *Seek to control and manage pesticide and fertilizer run-off from surrounding farmland.*
- *Ensure the scale and siting for any new settlement responds to local landscape character.*
- *Ensure any small-scale development in or on the edges of historic villages is of an appropriate scale, form, and design and uses materials which reflect the local vernacular.*
- *Develop sustainable local transport solutions to mitigate traffic congestion and reduce demand for new roads.*

5.13 The Parish Council does not consider that the proposal meets the landscape guidelines. The development proposal sits on the valley side of the Stansted Brook but it is not small-scale nor does it respond to the historic settlement pattern, form and building materials of this part of Elsenham and the historic context and local vernacular of this edge of village site as demonstrated in the previous section.

5.14 Paragraph 170 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment and should also recognise the intrinsic character and beauty of the countryside (an aspiration that local policy S7 shares). In this case, development of what is, effectively, the last greenfield site on the edge of the village, would have a detrimental impact on the rural character of the area, providing unacceptable built development that would extend into the open countryside and down the valley side. The proposed development would adversely affect the open and informal characteristics of this rural area and would not therefore contribute to or protect or enhance the natural, built and historic environment, contrary to the aims of the NPPF and Uttlesford Local Plan Policy S7 and Policy S8.

6 HIGHWAY CONSIDERATIONS

- 6.1 Policy GEN1 requires that development should comply with the criteria set out in that policy which includes confirmation that the highway network is capable of dealing with the traffic generated (criteria a and b), that the development should not compromise highway safety and that it takes account of the needs of other users including cyclists, pedestrians and public transport users (criterion c) and encourages movement by means other than the motor car (criterion e). The NPPF also requires that developments should ensure appropriate opportunities to promote sustainable transport modes and safe and suitable access for all users (paragraph 110) and goes further than Policy GEN1 in requiring development to give priority to pedestrian and cycle movements and (so far as possible) to facilitate high quality public transport (paragraph 112).
- 6.2 The Highway Technical Note contained at Appendix 2 of these representations raises concerns relating to traffic impacts and sustainability. It concludes in respect of the former that the modelling results contained in the Applicants' Transport Assessment confirm that the cumulative impacts of committed and proposed development are very significant and predicts that queue lengths on Grove Hill will increase from their current value of around 136m up to a predicted 1.7km in the AM peak period once the proposed development, plus committed developments are built.
- 6.3 Similar increases are predicted for Lower Street where comparable figures would be around 114m to more than 1.2km and at Silver Street the queue in the PM peak is forecast to increase from 78m to almost 1.5km.
- 6.4 Proposed mitigation measures show mixed results with some improvements on Grove Hill but worsening of conditions elsewhere on the network and that overall, the mitigation scheme has a negative overall impact.
- 6.5 In this case it is clear that when taking account of the residual cumulative impacts arising from committed and planned developments in the Elsenham area as indicated by Paragraph 111 of the NPPF, these impacts are very significant and sufficient to trigger the threshold for refusal set out in the Framework.
- 6.6 The Technical Note also considers that the results of VISSIM model sensitivity tests show a mixed picture and are inconclusive. The absence of any 2022 baseline results,

queue comparison data or overall network performance metrics, makes it impossible to assess the cumulative impacts of committed and planned growth based on the Applicants' submitted information but it is considered that the results of the sensitivity test do not alter the conclusions reached above in respect of queue lengths and cumulative impact.

- 6.7 With regard to issues of sustainability the Technical Note states that the proposed development has access to only a very limited range of local services and facilities within walking and cycling distance. The public transport options are also limited, particularly in terms of bus services which offer low frequencies, unattractive journey times and very restricted route and destination choices. Rail services from Elsenham offer faster journey times than the bus but with a limited choice of routes and destinations, meaning that car journeys are the only realistic option for the majority of travel needs.
- 6.8 This heavy reliance on private car journeys brings the proposed development into conflict with the aims of promoting sustainable development as set out in the National Planning Policy Framework. The Technical Note confirms that the submitted information does not demonstrate that the proposed development of 130 dwellings is capable of being accommodated on the surrounding transport network when the cumulative impact of this development is considered with other commitments in the area. Furthermore, the development will not encourage movement by means other than the car as future residents will be largely reliant on the private motorcar due to the limited facilities in Elsenham and public transport. It is considered therefore that the proposal is contrary to Policy GEN1 of the Local Plan and also the NPPF.

7 MATTERS OF DESIGN

- 7.1 The Parish Council is concerned that a development of 130 dwellings on this site represents overdevelopment. The site is constrained though its topography and location of the adjacent listed buildings and the application fails to demonstrate that the proposed housing can be built in an acceptable manner which provides sufficient mitigation for the listed buildings, users of the public footpath across the site and addresses the visual impact of the proposed dwellings resulting from the topography of the site and its height above Hall Road and sufficient amenity for future residents.
- 7.2 As previously stated in respect of policies and heritage, the Applicants have submitted illustrative masterplan and layout plans which shows how the development is likely to be carried out. Although it recognises that these plans are illustrative and the application is for outline planning permission, the Parish Council notes that this application is submitted by Countryside, a volume housebuilder, and therefore considers that the layout presents a reasonable expectation of what the housebuilder intends to develop on the site. These comments are made on that basis. Comments have already been made in respect of how the layout affects the listed building and the impact of the development on the public footpath. Those concerns remain relevant but it is not intended to repeat them in this section.
- 7.3 The application is for 130 dwellings and the application forms state that these would comprise some 78 x 2, 3 and 4 (+) bed market dwellings and 52 x 1, 2 and 3 bed social rented dwellings. The illustrative layout as presented shows only 100 individual dwellings with gardens and therefore, there are 30 dwellings that cannot be identified on the layout. The application is silent on how the accommodation is to be achieved but the Design and Access Statement and the Planning Statement state that the layout is intended to be lower density to the north and around the central area with higher density in the middle. The Parish Council is concerned that to achieve the adequate mitigation that is required for the listed buildings and to properly accommodate the constraints imposed by the sloping site and the need to accommodate 130 dwellings, the resulting development will be cramped particularly at its centre (as already demonstrated by the proximity of dwellings to the public footpath that runs through the site) and will provide an unacceptable level of amenity for future residents.

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- 7.4 This is partly evidenced in the current layout. The layout places heavy reliance on courtyard parking with some units being shown to be surrounded by car parking and effectively forming an island in the parking courtyard. The Parish Council considers that this is unacceptable.
- 7.5 Furthermore, although Uttlesford District Council has adopted the Essex County Council's Parking Standards - Design and Good Practice (2009), due to the nature of Uttlesford District, which is primarily a rural district with restricted access to public transport where the majority of journeys are by the private car, the District Council has also adopted local parking standards which represent a material planning consideration. Those standards actively discourage the use of courtyards and states that: *Parking courts are not generally considered to be appropriate for the rural nature of Uttlesford and "on plot" parking should be the normal approach.*
- 7.6 This is largely due to experience of courtyards being developed elsewhere in the district but not being used by residents who prefer to park their vehicles on the road where they can be seen. The need to locate a significant proportion of the parking provision in courtyards in the illustrative layout would, in the Parish Council's view, lead to extensive on street parking. The Parish Council considers that this is unacceptable and that the illustrative layout should therefore be specifically excluded from any approval and that any future layout should not be based on the submitted illustrative layout.
- 7.7 The NPPF confirms that good design is a key aspect of sustainable development (paragraph 126) and that planning policies and decisions should ensure that developments will, amongst other things, function well and add to the overall quality of the area not just for the short term but over the lifetime of the development and should also be visually attractive as a result of good layout and should establish a strong sense of place (paragraph 130). Policy GEN2 also requires good design. The proposed development does not comply with these requirements. It will result in a large modern housing estate on the edge of this village with little regard to local needs and the reasonable needs of all potential users. The proposal is therefore also contrary to ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
- 7.8 The Parish Council also considers that certain conditions are needed in the event of

planning permission being granted to secure an appropriate level of amenity and suitable accommodation for future residents. The illustrative layout shows two bungalows located in the western corner of the site in an effort to mitigate the impacts of the development on the adjacent listed buildings. However, no other bungalows are shown with all other dwellings being shown as two storey and some at 2.5 storey. The Council's Housing Strategy 2021-2023 dated October 2021 states that:

There is a shortage of bungalows within the district for both market purchase and affordable rent. It is a requirement for 5% of properties to be bungalows upon new housing developments and this applies to both the affordable and the market sale housing upon the site. (page 15)

7.9 The Strategy continues:

2011 census data shows that 13.65% of people within Uttlesford have a physical or mental disability. An ageing population can result in increased levels of both physical and mental disability including dementia. (Page 15)

7.10 Elsenham along with other settlements in the District is experiencing an aging population and the Parish Council considers that all new development should make provision for all sections of the community including the aged and disabled. The provision of only two bungalows on this development does not reflect Uttlesford's strategy nor does it make adequate provision for those who may wish to live in bungalows. It is considered that the provision on this site should be increased in the event that planning permission is granted so that the site makes provision for 5% of the properties (a minimum of 7 properties) to be bungalows across both market and affordable tenures in accordance with the Council's strategy.

7.11 The Housing Strategy also states that:

To assist those with a physical disability, all homes built on new developments of 11 new homes and above are required to meet the M4(2) accessible and adaptable standard and 5% must be built to the wheelchair user standard M4(3). (page 16)

7.12 It is recognised that the details of the dwellings will be considered at reserved matters stage and therefore the wheelchair accessibility should be identified in the detailed design of the dwellings at that stage. However it is considered that a condition along

the lines set out below should be imposed to ensure that the dwelling make provision for accessibility. Such conditions are normally imposed by the District Council and by Inspectors at appeals in Uttlesford District.

On completion of the development, 5% of the dwellings approved by this permission shall be built to comply with M4 Category 3 (Wheelchair user dwelling) M4 (3)(2)(a) "adaptable", the remaining dwellings must be built to comply with M4 Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

8 IMPACT UPON LOCAL INFRASTRUCTURE

8.1 Adopted Uttlesford Local Plan Policy GEN6 requires the provision of infrastructure to support development. The Applicants have confirmed in their planning statement that they expect to enter into a Section 106 to ensure the provision of appropriate infrastructure and mitigation and state that they anticipate that the S106 Agreement will cover the following:

- The delivery of the proposed off-site ecological enhancement area.
- The provision of on-site affordable housing;
- A financial contribution to primary healthcare provision; and
- A financial contribution to education (early years, primary and secondary) provision

8.2 The Parish Council considers that these requirements are all necessary for this development. However, it also considers that a contribution should be made towards the provision of the village Community Hall to assist in bringing it forward and because future residents are likely to place additional demands on it as well as the other social infrastructure in the village.

8.3 Elsenham currently contains two community halls; the Village Hall and the Memorial Hall, each of which currently offer a range of facilities and services to the village and its community. The existing Village Hall was built in 1984/85 and forms part of the Elsenham Church of England Primary School. The hall is a joint-use hall and the facilities are shared by three parties; the Primary School, the Elsenham Village Hall Charity (the Village Hall Management Committee, VHMC) and the Incumbent and Church Wardens of Elsenham (Elsenham Church). Because of this sharing arrangement, each of the parties has exclusive access to and use of the hall at different times of the week and/or day but is predominantly used by the primary school during school hours.

8.4 The second hall is the Memorial Hall which is located on the Elsenham Playing Field. That building was built in 1987 and although of a limited size, offers rooms and facilities to a wide range of local organisations and businesses. It has a maximum capacity of 80 people in the main hall.

8.5 Both halls were built to serve Elsenham prior to its expansion post 2012. The 2014

draft local Plan proposed three sites for development in the village as set out in Paragraph 2.11 above. Those three developments were also intended to make provision for a new Community Hall to serve the additional population generated by the 450 dwellings in the proposed allocations through the provision of land and financial contributions. Although the Local Plan was withdrawn, planning permissions were granted for the three developments, two of which have taken place and been completed. Land has been provided for the new Community Hall and contributions towards its construction have been received by the District Council on behalf of the Parish Council. The third development on land west of Hall Road has not yet taken place although planning permission has recently been granted and includes a Section 106 which includes the necessary contribution.

- 8.6 However, Elsenham has seen considerably greater growth than was anticipated when proposals for the Community Hall were first drawn up and contributions calculated. Furthermore, due to the time that has also lapsed, the cost of the Community Hall has increased so that the previously agreed funding can no longer finance the construction of the hall. The additional population from other recent developments are also placing pressures on the existing village halls and it is becoming more pressing that a new Community Hall comes forward.
- 8.7 Unfortunately, previous appeal decisions have not considered the impact on the village infrastructure and no further contributions have been forthcoming for the Community Hall. The Parish Council is therefore in a position whereby it is faced with a constantly increasing village population but without the funding to make provision for a necessary Community Hall. Neither the second Fairfield appeal (350 dwellings) nor the Isabel Drive appeal (99 dwellings) made provision for any contribution towards the Community Hall. In contrast the more recent Gladman appeal for Bedwell Road did make provision by way of a S106 but the appeal was dismissed.
- 8.8 The Parish Council considers that the current application site will place further additional pressures on the current village community infrastructure and therefore seeks a contribution towards the construction of the new Community Hall. Costings for the Community Hall have been obtained and it is considered that a proportionate contribution based on the contribution agreed for the land to the west of Hall Road should also be applied to the current application site and would be both justified and necessary to mitigate the impact of this development. That amount was £310,000 for

the 130 dwellings which provides a pro rata amount of £2,385 per dwelling.⁷ The Parish Council considers that a similar pro rata figure applied to the current application would be reasonable.

- 8.9 The attached Business Plan at Appendix 3 sets out the justification for the need for a contribution. Without this contribution, the Parish Council considers that the proposal for 130 dwellings will have an unacceptable impact on infrastructure, contrary to Policy GEN6 of the adopted Local Plan and the NPPF.

⁷ UTT/19/0462/FUL

9 THE PLANNING BALANCE

9.1 As has been set out above, the Parish Council considers that the application conflicts with policies of the adopted Local Plan and the development plan taken as a whole. Within that, the Parish Council attaches moderate weight to Policy S7, significant weight to GEN1, GEN7, ENV1, ENV2 and ENV7 and full weight to Policy GEN6 (and H9) and ENV10. As such, conflict with the development plan means that, unless material considerations indicate otherwise, a refusal of permission should follow.

Material considerations

9.2 The Parish Council acknowledges that Uttlesford District Council cannot demonstrate a 5 year supply of housing and therefore the policies that are most important to the determination of this application may be deemed to be out of date.

9.3 However, the 'tilted balance' within the presumption in favour of sustainable development set out in paragraph 11 of the NPPF, requires the grant of planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. This is a case where other policies of the Framework indicate that development should be restricted (Footnote 7) and great weight is required to be given to the protection of designated heritage assets. The Applicants and Place Services have both concluded that the harm to those assets fall within the less than substantial harm category and Paragraph 202 therefore requires that harm to be weighed against the public benefits of the proposal. The Applicant has advanced a number of benefits of the proposed development at page 38 of their Planning Statement which are set out below:

- a) The provision of market housing.
- b) The provision of affordable housing
- c) A new Heritage Trail.
- d) Increased public access to the application site.
- e) A delivery of a net gain in biodiversity of at least 20%.
- f) Economic benefits.

- g) The location of a new bus stop sign on an existing lamppost and various highway improvements in the vicinity of the site and the possibility of some contribution towards higher frequency public transport.

9.4 The applicant attaches significant weight to a) and b) and the Parish Council does not disagree with this. However, the Parish Council does not agree to the weights attached by the Applicant to most of their other claimed 'benefits'. The heritage trail, increased public access to the site and other aspects of the proposals are primarily mitigation to try and overcome the harmful effects of the development. The Parish Council accepts that an increase in Ecological Net Gain is to be welcomed but considers that much of this is needed to mitigate the harmful effects of the scheme and the Applicant does not refer to the impact of the development on the nearby Hatfield Forest SSSI and Elsenham Wood SSSI in their assessment of weight to be attached to Ecological Net Gain. Similarly, the Economic benefits of new housing development are well recorded and the Council does not take issue with that. There is likely to be some increased spending in the area but it is also partly offset by the need for the District Council and Parish Council to increase their spending and services for the additional residents.

Balancing exercise in relation to heritage assets

9.5 S66 of the planning (LB & CA) Act 1990 requires that decision makers shall have special regard to the desirability of preserving Listed Buildings or their settings and for preserving features of special architectural or historic interest. The NPPF requires that 'great weight' should be attached to the assets conservation. In this case, there is identified harm to the settings of 13 Listed Buildings. That harm is less than substantial harm and Place Services who provide specialist heritage advice to Uttlesford District Council have assessed that harm to range from low to middle of the spectrum, depending upon the listed building considered.

9.6 It is not considered that Applicants have carried out the appropriate tests when considering the planning balance. They have concluded that:

When the 'negligible' to 'low to moderate' less than substantial harm to just some of the heritage assets near to the Application Site is weighed against the significant weight that should be afforded to the many benefits set out in Section 5 of this Statement, it is patently clear that, whilst the Proposed Development

would introduce a change in the experience of the setting of those heritage assets, the public benefits of the Proposed Development substantially outweigh the harm.

9.7 The Applicants do not appear to have had special regard to the preservation of those assets nor do they appear to have given great weight to the assets conservation as required by Paragraph 199 of the NPPF. They therefore afford limited weight to the preservation of those assets in the planning balance.

9.8 The Parish Council considers that the correct approach was applied by the Inspector in the recent Warish Farm Hall appeal decision⁸ dated 9 August 2022. That appeal decision is appended to these representations (Appendix 4). In that case, and against a similar background as here where Uttlesford could demonstrate no more than a 3.52 year housing supply, the site was located nearby at Takeley within countryside and the Countryside Protection Zone and therefore also subject to both Policy S7 and S8. The proposal for some 190 dwellings was also offered with a greater number of 'public benefits'. The Inspector concluded that:

In this case, taking account of the extent of the shortfall in the five-year housing land supply, how long the deficit is likely to persist, what steps the local planning authority is taking to reduce it, and how much of it the proposed development would meet, and giving significant weight in terms of the extent of that shortfall and how much of it would be met by the proposed development, in addition to significant weight to the public benefits identified above, I do not consider these considerations collectively to be sufficiently powerful to outweigh the considerable importance and great weight I give to paying special regard to the desirability of preserving the settings of the listed buildings and the conservation of all of the identified designated heritage assets. (paragraph 97)

9.9 The Parish Council considers that, when applying similar great weight to the S66 requirement of paying special regard to the desirability of preserving the settings of the listed buildings in the current application, then the application should be refused on heritage grounds.

⁸ APP/C1570/W/22/3291524 – Land at Warish Hall Farm, Smiths Green, Takeley

- 9.10 However, even if the Inspector does not agree with the Parish Council's assessment and considers that the benefits in this application do outweigh the harm, the heritage harm has still to be weighed in the overall planning balance and should continue to be afforded great weight.
- 9.11 The Parish Council does not consider that the current proposals provide a justification for a departure from the policies of the Local Plan, or that they are of such a scale and significance that they outweigh the harm to the character and appearance of the area, the acknowledged harm to heritage assets to which is attached great weight and the locational unsustainability of the development which does not provide adequately for all future occupiers. If no suitable s.106 is produced then the Parish Council considers that the harm would be considerably greater, and the outcome the same.
- 9.12 The Parish Council therefore requests that planning permission for the application is refused.