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Sent: 06 March 2023 17:45

To: Section 62A Applications <section62a@planninginspectorate.gov.uk>

Subject: S62A/2023/0015 Elmdon

Section 62A Planning Application: S62A/2023/0015 - Grange Paddock, Ickleton Road, Elmdon, Essex, CB11 4GR

I write to OBJECT to the application.

The proposal to build 18 houses on a greenfield site outside the village development envelope (Local Plan S7 protection of countryside), on grade 2 (high quality) agricultural land, is not compatible with the Village Design Statement and Village Housing Needs Survey (2015), is not compatible with the Uttlesford Local Plan (2005) and is very clearly not sustainable as it fails all three tests. Elements of the application are simply untrue and very little is being offered to the community by way of compensation or mitigation. There has been very poor engagement with the local community and there were no face-to-face meetings with householders directly opposite, as promised. There is also a potential problem of flooding to existing houses along Ickleton Road.

In 2018, the site was offered up in a call for sites by Uttlesford DC and rejected as unsustainable. This rejection is omitted in the applicant's Design and Planning Statement (paragraph 3.0). In the past two years, nothing has changed to make the village more sustainable and there is nothing in the Design and Planning Statement that demonstrates this proposal will lead to sustainable development (paragraph 4.0).

Elmdon is a rural community of distinct heritage and character. There are 37 listed buildings in the conservation area alone. The village has no amenities, other than a church and small village hall. The pub has been closed for 10 years. There is no shop (the nearest is 3 miles away), post office (3 miles away) or supermarket (5 miles away). There is virtually no public transport, only the school bus (444) that runs once per day (in and out of Newport and Saffron Walden) on weekdays in term time only. All the other buses listed in the Transport Statement (paragraph 3.4-3.9) do not serve Elmdon and stop in Chrishall (2 miles away) or Ickleton (3 miles away). There is no public transport connectivity to Audley End railway station (5 miles away) or Royston (9 miles away). There are no primary schools (2 miles away if you get a place), secondary schools (6 miles away), doctors (5 miles away if you can get an appointment) or chemists (5 miles away). There are no factories, industrial units or workshops. The only local employment is agriculture work. Everybody has to drive to go anywhere and according to the 2011 census 65% of households have two or more cars.

Ickleton Road is not 6 metres wide for its entire length as claimed in the Transport Statement (paragraph 3.13). Outside my house it is 5 metres wide. For most of Ickleton Road, one side or the other, is almost entirely full of parked cars. There is a continuous pavement only on the south side of the road, which in parts is just 70cm wide.

Sustainability

The Design and Planning Statement submitted in the proposal is remarkable in that it simply does not address the issue of sustainability. Regarding the three strains of sustainability (NPPF paragraph 8), the application must fail, as follows:

-Economic.

As already stated, apart from agriculture, there is no economic activity in Elmdon (aside from individuals who work from home). The new householders would not be able to add economic benefit to a pub, restaurant, shop or post office as none of these facilities exist. The reference made in the Design and Planning Statement (paragraph 4.40) that the ability to walk to the

shops is a benefit of the scheme “*Manuden has access to a good range of services*” is bizarrely self-contradictory as Elmdon has no services.

-Environmental.

This proposal will have a significant environmental impact. As already stated, there is already very high dependency on private car transport. This development will add approximately 36 cars to the village, together with all the associated transport movements for 18 additional houses, which is unsustainable (NPPF paragraph 104-105).

The proposed site has a significant slope from north to south. The fall is shown as 10 metres on the FRA report, however, it is steepest nearest to the south side by Ickleton Road and the proposed new houses will be much higher than the existing houses. The proposal includes street lighting. Currently there is no street lighting in Elmdon, so this will create light pollution and will impact the existing houses.

I think many local residents would disagree with the Design and Planning statement (paragraph 4.14-4.20) that the proposed development would have a minimal impact on the panoramic vistas and sense of landscape openness.

There is a potential problem of flooding that will be exacerbated by this proposal (see below).

-Social

The applicant claims in the Design and Planning Statement (paragraph 4.1) this proposal would enhance the viability of existing community facilities and services. There is absolutely no mention in the statement of what the local facilities and services are and how they would be enhanced.

Despite the lack of facilities, Elmdon is a friendly village with a cricket club and a limited number of social events, which are held on the cricket pitch, the village hall or in residents' gardens. There is no indication in the proposal how this would be enhanced.

Communal Open Space

The Design and Planning Statement (paragraphs 4.106-4.107) states there will be a communal open space, but with no details. The 2018 proposal was linked to buying, renovating and reopening the pub. This current proposal originally included a tennis court, which was subsequently removed. Elmdon is surrounded by amazing countryside which provides acres of open space, so this offer is of little benefit to most villagers. Given the negative impact the development would make, this is a totally inadequate proposal.

Transport Survey

The Transport Survey (section 5) gives likely trips for a development of 18 houses as 7 departures (08.00 to 09.00) and 5 arrivals (17.00-18.00) and therefore likely to have little impact on local traffic. It does not state what the locations were or if they were similar sized villages to Elmdon with a similar lack of facilities. Peak hours tend to be earlier in rural communities and the traffic survey data shown in the report clearly demonstrate that the peak hours chosen have little relevance, as there is a steady flow during the entire day. Given the population of Elmdon is approximately 600, the daily weekday road volumes of circa 300 journeys each way (as measured at the survey point) would suggest movements from the proposed development will be much higher.

The surveys were conducted in mid-July, when many students were not at school and people had already started holidays.

Precedent - Appeals

The application refers to successful appeals in Manuden (Planning Statement Appendix A) and Henham (Planning Statement Appendix B). In both cases, the Planning Inspector determined that the benefit of the extra houses outweighed the harm. Manuden and Henham

are much larger villages than Elmdon, with shops, services and amenities so therefore not at all comparable, however I would draw the Inspector's attention to other appeals in Uttlesford District not mentioned by the applicant, which were dismissed.

3239905 (UTT/19/0293/FUL) also in Henham. As mentioned above, this is a much larger village but due to the location of the site outside the village envelope and despite the extra amenities, note the comments made by the Inspector in regard to high dependency on car journeys.

Planning Balance and Conclusion

28. *However, the site is located within the countryside, and I have found that the proposals would result in significant harm to the rural character and appearance of the area.*

Furthermore, the proposal would result in the likelihood of high dependency on the use of the private car for access to day-to-day services and facilities. Collectively, these are matters to which I afford significant weight in decision making terms. As such it is not considered to be sustainable development and would be contrary to the aims of the Framework to protect and enhance the natural environment, minimise the need to travel and to support the transition to a low carbon economy.

29. *Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.*

30. *For the reasons given above, I conclude that the appeal should be dismissed.*

3263440 (UTT/20/1102/OP) in Bran End (near Stebbing), which is a very rural location with several listed buildings and where heritage was considered of significant importance.

Planning Balance and Conclusion

68. *The Council cannot currently demonstrate a five-year supply of deliverable housing sites, as required by the Framework, and the development plan is out of date as it only plans for the District's housing needs to 2011. In these circumstances the so-called tilted balance approach to decision making would normally be engaged. However, in this case given my findings in relation to heritage, the conventional untilted planning balance applies.*

74. *I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to the countryside, particularly the rural setting of Bran End and the character and appearance of the area; the provision for safe and suitable pedestrian access; the accessibility of the site to services and facilities; and the setting of three Grade II listed buildings.*

75. *This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that comfortably outweigh the claimed benefits*

76. *The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed and planning permission refused for the appeal scheme.*

3226765 (UTT/18/0885/FUL) in Widdington, which is a similar size village to Elmdon (although it does have an excellent pub), where the inspector concluded the village was unsustainable.

Planning Balance and Conclusion

50. The proposal would cause significant environmental harm in terms of its effects on the character and appearance of the area and moderate harm due to its location and accessibility. Although I have found particular policies that protect assets of particular importance do not provide a clear reason for refusing the development proposed, nevertheless, and in accordance with the statutory duty and paragraph 193 of the Framework, great weight should be given to their conservation. There would also be notable but moderate harm overall, to the significance of a non-designated heritage asset.

51. Whilst the loss of such greenfield sites may well be inevitable in this district and there are benefits which weigh significantly in favour of this development, my view is that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. The proposal would not therefore be the sustainable development for which Paragraph 11 indicates a presumption in favour.

52. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

In all of these three cases, the Inspector acknowledged the presumption in favour of sustainable development, the fact the Local Plan of 2005 is now out of date and the five year housing supply is below the threshold, but still dismissed the appeals. These cases demonstrate each application must be viewed on its own merit and issues of sustainability and heritage are given significant weighting in the Inspector's determination. The presumption in favour is not over-riding.

For the record, of the 44 appeals for major developments in Uttlesford since 2017, 27 have been dismissed and 17 allowed. So far, only one application made directly under section 62A has been decided, the Friends School development in the middle of Saffron Walden, which was allowed.

Flood Risk

The application includes a 112-page Flood Risk Assessment (FRA) and Sustainable Drainage Systems (SuDS) report. It should be noted the infiltration tests were conducted in September 2022, following a long and very hot summer.

Rain water/surface water flooding is a concern, not for the development itself, because of its raised elevation, but for the existing householders on Ickleton Road. When there is heavy rain, there is already a large volume of water on the Ickleton Road, which has led to flooding problems in recent years.

The proposed SuDS plan is for permeable paving and rainwater run-off into a large pond for the higher houses with the lower houses having garden soakaways. Permeable paving is prone to blocking and requires regular maintenance. The elevation of the pond will be well above the elevation of Ickleton Road, so any failure or overflow will cause flooding lower down. The report clearly states (paragraph 5.18) that if the capacity of the drainage system becomes overwhelmed, it would flow onto the road.

The FRA report states any sewer flooding caused by rain or surface water surges would also flood into Ickleton Road (paragraph 4.3). At this stage, there is no indication of how the foul sewer from the development will join the village sewer.

The risk of flooding to the houses in Ickleton Road is clearly raised due to the proposed development. If the Inspector is minded to grant the scheme approval, the existing homeowners on Ickleton Road must be indemnified against rain water and sewer flood damage in the event that flooding is caused by run-off, pond failure or lack of maintenance from the development.

Matthew Fagan



March 6, 2023