



## UTTLESFORD DISTRICT COUNCIL

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EC3R 7AG

**Dated:** 14 February 2023

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

**Application Number:** UTT/22/0267/FUL  
**Applicant:** FKY Limited

Uttlesford District Council **Refuses Permission** for:

**Creation of an open logistics facility with associated new access and ancillary office with amenity facilities at Land At Tilekiln Green Start Hill Great Hallingbury CM22 7TA**

**The refused plans/documents are listed below:**

Plan Reference/Version	Plan Type/Notes	Received
EXTERNAL LIGHTING STRATEGY	Other	23/03/2022
10398-EXT-01 B	Other	23/03/2022
10398-EXT-02	Other	23/03/2022
11008 PL_1002	Other	23/03/2022
11008 PL_1003 A	Other	23/03/2022
11008 PL_1000 A	Location Plan	23/03/2022
11008 PL_1001 E	Block Plan	23/03/2022
NC18.446-P204 B	Other	21/06/2022
NC18.446-P203 A	Other	29/11/2022
22-22956-01 A	Combined	
IT1896/SK/1001	Other	20/12/2022
IT1896/SK/01 K	Other	18/11/2022

Permission is refused for the following reasons:

- 1 The site lies outside development limits within an area designated as a Countryside Protection Zone (CPZ) within the Uttlesford Local Plan (adopted 2005). Policy S8 of the adopted local plan states that planning permission will only be granted for development within the CPZ that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. In particular, the policy states that development will not be permitted if either a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or b) it would adversely affect the open characteristics of the zone.

The site constitutes an integral part of the Countryside Protection Zone (CPZ) falling within CPZ Parcel 1 (Tilekiln Green) for the purposes of evaluation for the 'Uttlesford Countryside Protection Zone Study' (LUC, 2016) whereby the landscape value of the site is considered intrinsic to the maintenance of the function and integrity of the Countryside Protection Zone.

The proposed development by reason of its nature and magnitude would have a significant adverse impact on the existing open character and appearance of the site by filling an open gap.

The proposed development would therefore be contrary to Policies S8 and S7 of the Uttlesford Local Plan (adopted 2005).

- 2 The proposed development would cause less than substantial harm to the setting and significance of the listed building , The Old Elm, by encroaching upon the last remaining section of its original setting, paragraph 202 of the NPPF being relevant. The harm is considered on the low end of the scale. The proposals would fail to preserve the special interest of the listed buildings,contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting. These proposals are therefore considered contrary to Policy ENV2 of the adopted Uttlesford Local Plan 2005 and the NPPF.
- 3 The development would result in unacceptable material disturbance to occupiers of surrounding properties to the detriment of their residential amenity contrary to Uttlesford Local Plan Policy GEN4 and the NPPF.
- 4 The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the development by way of lack of travel plan and associated monitoring fee of £6,132, lack of financial contribution of £40,500 for the upgrade of the Flich Way, and monitoring fee of £426, contrary to Policy GEN6 of the Adopted Local Plan 2005 and the NPPF.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
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ECP - ECC Parking Standards  
(Design & Good Practice)  
September 2009

S7 - The Countryside	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
S8 - The Countryside Protection Zone	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV10 - Noise sensitive development and disturbance from aircraft	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV4 - Ancient Monuments and Site of Archaeological Importance	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV7 - The protection of the natural environment designated sites	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV11 - Noise generators	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

Interim Climate Change Policy

NPPF4 - National Planning  
Policy Framework July 2021



**Dean Hermitage**  
**Director Planning**

**Notes:**

0 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at:

Householder (HHF) - <https://www.gov.uk/appeal-householder-planning-decision>  
FULL - <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK  
<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>