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Your ref S62A/2023/0018

Council ref UTT/23/0966/PINS

Dear Sirs,

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

LAND EAST OF PINES HILL, STANSTED CM24 8EY.

We are the owner occupiers of [REDACTED], [REDACTED] located on an access cul-de-sac leading off Stoney Common Road and looking out onto the application site. We wish to lodge objections to the application submitted on behalf of Luxus Homes seeking outline planning permission with all matters reserved except vehicular access, for up to 31 dwellings on this site. We objected to a similar proposal which was refused by Uttlesford District Council under reference UTT/21/2730/OP in December 2021 and we retain objections to this latest proposal.

As rightly identified in the Planning Statement submitted with the application, the site is located within the Green Belt. Both national and local planning policy set out in the National Planning Policy Framework (NPPF) and the Adopted Uttlesford Local Plan identify the presumption against development which is not appropriate in the Green Belt and identifies that the applicant must identify very special circumstances to justify such development. The Council's emerging new Local Plan which will replace the existing plan will also need to comply with this national policy.

The need to demonstrate very special circumstances to justify the development is acknowledged by the applicants and they put forward a number of matters which they suggest constitute them. These are flawed for the following reasons:-

Provision of Market Housing – the applicants use this to support their proposal in the light of the Council's failure to identify a 5 year housing land supply and appear to rely on a number of appeal decisions supporting development due to the Council's insufficient five year land supply. We remain of the opinion that it is inappropriate to go straight to identifying a site to address this shortage without analysing whether there are other sites outside the Green Belt which could be used, an exercise which has not been undertaken by the applicants.

Section 140 of the 2022 National Planning Policy Framework states that:

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.”

This is exactly what the Council are doing in preparing their new Local Plan and we believe that whatever arguments the applicants are putting forward in support of their site would be more appropriately considered in the Local Plan process, when its merits can be judged against all other possible sites in the District, rather than as an ad hoc planning application which has failed to consider whether there are other, more suitable, non Green Belt sites available to address the District’s housing supply shortfall.

Provision of 48% Affordable Housing – the applicants suggest that the 48% affordable housing that they propose represents a very special circumstance, but this cannot be the case. As acknowledged by the applicants, any residential development of this size would as a matter of course need to include 40% affordable housing to address the Council’s policy. Therefore at best, the applicants could argue the additional 8% as a very special circumstance supporting their proposal and this small additional amount cannot reasonably be used to justify developing such a large area of Green Belt contrary to national and development plan policy.

Promotion of Sustainability Credentials of the Site – the applicants suggest that the site’s location adjoining Stansted should be given substantial weight. This is again an argument that they should use to promote the site through the Local Plan process since there will of course be other sites in the District with sustainability credentials that are just as good, some of them outside the Green Belt. The applicants suggest that this represents a very special circumstance but this is not the case.

Socio-economic benefits – the applicants suggest that there will be benefits arising from the development. However all the matters they put forward are benefits that are likely to follow from any residential development including those on land outside the Green Belt. Again this cannot be viewed as a very special circumstance.

Therefore, in conclusion on the principle of development of this site, the applicants have failed to put forward sufficient very special circumstances to justify the principle of building on this Green Belt site. Rather, they have put forward a range of arguments better suited to the promotion of the site for housing through the Local Plan process. This would allow the Council to properly judge the removal of this site from the Green Belt in the context of all potential building sites in the District. This is the approach set out in the NPPF, which states in paragraph 140 that:-

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.”

Furthermore, development of this site will encroach into what is already a very small gap between the settlements of Stansted and Birchanger (and Bishops Stortford beyond).

The application should therefore again be refused on the basis that it is inappropriate development, not justified by very special circumstances, which would therefore contravene both national and development plan policy on Green Belts.

In addition to this fundamental objection to the principle of the development, we retain concerns regarding highway access and nature conservation.

Highway access.

This proposal would result in the creation of a new junction onto the B1383 (Pines Hill) in a location cited in local planning documentation as the most dangerous in the village to pedestrians, and a proven hazard to other highway users.

The access point for the new development would form a new junction onto the B1383 (Pines Hill) a few metres away from an existing junction – that between the B1383 and Stoney Common Road – which, due to its position, represents a proven danger to highway users. That junction is avoided by local residents, who choose an extended route through Old Bell Close so as to make use of an access point onto Pines Hill with greater visibility and slower moving traffic. The addition of a second junction in the proposed location will increase the volume of road users turning across oncoming traffic with no visibility at the brow of Pines Hill.

This area of the B1383 was cited specifically in the draft Stansted Mountfitchet Neighbourhood Plan 2011-2033 as an 'insurmountable' danger to pedestrians. While this neighbourhood plan was not adopted, the statement within it concerning the danger to pedestrians seeking to reach the shopping amenities and facilities in the centre of Stansted Mountfitchet, avoiding alternate routes requiring a long and more topographically challenging detour, continues to stand -

"...at the southern end of Silver Street there is a 25 metre stretch of footpath, barely wide enough for a pushchair, along which parents whether pushing, or walking with, children face an intimidating passage especially with heavy lorries passing close by. The experience for them is even worse in wet weather. Close by, at the junction of Silver Street and Pines Hill, the road width barely allows two lorries to pass each other and the structure of The Old Bell public house reduces the footpath width to less than 400mm. This forms a barrier for those wishing to walk safely to Bishop's Stortford and presents a lengthy diversion around Old Bell Close and Stoney Common Road including difficult gradients."

Conservation.

The preliminary ecological report submitted with the previous application validated local concern that this development risks impact to a range of protected animal species known to make use of the site. This land, which having been left untouched for decades has effectively 'rewilded', now offers frequent sightings of deer, owls and bats, together with a wide variety of bird species. Further surveying now seeks to minimise the presence of wildlife on the site. However it remains a valuable area of habitat adjoining Stansted.

While the developers have made efforts to retain trees, most particularly on the land's boundaries, the development will never-the-less result in the destruction of a large quantity. This includes tree and hedgerow removal, to create access to the site, within an area adjacent to Pines Hill designated as 'important woodland' in the most recent local plan. While the proposals describes some of the coniferous plantations as incongruous to the landscape character of the area and representing non-native species, their incongruity is what makes them important. They are amongst the few

coniferous trees remaining in an area literally named "Pines Hill" and are part of the history and fabric of the village. Retention of trees within a housing development will not provide the same habitat quality that exists now.

These are additional, detailed objections which support refusal of the application.

Yours faithfully,

Daniel and Claire Pearce.