

# Comments regarding: Section 62A Planning Application: S62A/2023/0016 Warish Hall Farm

## Application Summary

- Applicant name: Weston Homes PLC
- Site address: Warish Hall Farm, Smiths Green Lane, Takeley, Essex, CM22 6NZ
- Proposal: Erection of 40 no. dwellings, including open space landscaping and associated infrastructure
- Case Officer: Major Casework Team

## Customer Details

- Name: Mr Richard Hughes
- Address: [REDACTED]

## Comment Details

- Commenter Type: Neighbour
- Stance: Customer objects to the Planning Application
- Comment Reasons:

In making these remarks below I have taken into account comments made by Richard McCoy BSc

MSc DipTP MRTPI IHBC, the planning inspector who was appointed by the Secretary of State for Communities and Local Government, in his decision to dismiss Appeal Ref: APP/C1570/W/22/3291524. For reasons explained later, I have split my proposal to reject this application into two two sections:

- 1) The demerits of this Section 62A Planning Application;
- 2) Further considerations based on the potential for developing adjacent land owned by Weston Homes.

While it may be unusual to make point 2), I consider it important given the potential for Weston Homes to make sequential proposals to develop their land portfolio and thereby undermine the extent to which protected assets which formed the basis of the inspector's dismissal of Weston Home's appeal (for example, please see sections 35, 36, 37, 50, 63 and 57).

## 1) Consideration of the demerits of this Section 62A Planning Application , S62A/2023/0016

I oppose the granting of permission as contained in this Section 62A planning application. My reasons are as follows:

One of the points repeatedly made by Weston Homes in their application Ref UTT/21/1987/FUL was the need for more housing in the geographic area of Takeley. Anybody who lives in this area or travels through this area can see that there is no such shortage. Not only are there multiple newbuilds being erected in Takeley itself, but there are new developments (travelling in an approximate clockwise direction from the west) we have developments in Bishop's Stortford, Stansted Mountfitchet, Newport, Elsenham, Great Dunmow, Nazeing, Harlow and Sawbridgeworth. Hundreds, if not thousands, of new homes! This doesn't even take into account the numerous quantity of in-fill housing also erected recently or currently, each one of which reduces the green spaces available for wildlife.

Weston Homes has previously sought to justify the building of new homes in this part of Takeley because of the proximity of this proposal to the Priors Green development in Little Canfield. Firstly, it should be pointed out that much of the Priors Green development was built on a derelict site comprising multiple disused commercial greenhouses. Secondly, unlike the current proposal, this earlier development was not close to any listed buildings or other heritage assets. Thirdly, it exposes the intention of Weston Homes' desire to progressively build new houses in the countryside and then use their existence (if permitted) to build yet more homes until the local countryside is no more (see also part 2 of this document).

Although there are a great number of homes being erected in and around Takeley, this increase has not been matched by a proportionate increase in supporting infrastructure. For example the number of schools, hospitals, GP surgeries and amenities to support all these new residents. On the contrary, there have been no new GP surgeries servicing the Takeley area built in the nearly 30 years that I have lived here and consequently they have a great many more patients but no ability to extend the car parking at those surgeries.

Moving from the general to the particular, as regards the proposed development site, concerning:

- Water supply, the pressure supplied to houses in Jacks Lane Takeley (which adjoins the proposed development) is frequently low and can be intermittent as it is, so is there a commitment from Affinity water to obtain a more reliable source of supply?
- Foul water drainage, the Weston Homes proposal is that these 40 homes would have mains drainage, presumably supplied by Thames Water, an organisation that already finds it necessary discharge untreated sewage into Pinceys Brook and thence to the Thames – so have they given an undertaking to increase their capacity before adding another 40 homes to their already inadequate treatment works?
- Water run-off from the proposed site. Presently there is a ditch to the south of the proposed site alongside Jacks Lane and another to the east of the site along the restricted byway, both of which drain into a moat at the easterly end of Jacks Lane. In times of sustained rainfall (such as December 2022 and January 2023) this moat does not appear to have sufficient capacity. But, replacing open agricultural land (itself a water sink) with houses, roads, and other impermeable infrastructure means that rainfall, snow, etc. needs to find alternative ways of being dispersed. Many new developments have balancing ponds to capture the resulting water run-off, but these do not feature in the Weston Homes proposal, so is it intended that this water be carried away with the foul water (if this is even permitted), or is it intended to drain this water into existing ditches, potentially causing overflows into Jacks Lane? As is common knowledge, we live in a time where climate change is making it ever more likely that sustained rainfall, along with periods of drought, are forecast to be ever-more likely. Therefore, no housing development in this area should be granted unless there are definitive plans to deal with this matter.
- The entry and exit point for this development is Smiths Green Lane, which is (per §19 of the Inspector's report) "designated as a Protected Lane under Local Plan Policy ENV 9" and is "a non-designated heritage asset" (per §39 & 57) and further expanded in §56, §57 and §58. What is not apparent from the Inspector's report is that Smiths Green Lane:
  - has no public footpaths
  - no road lighting;
  - is barely wide enough for two cars to pass each other – moreover, the poor state of repair of the verges means that this reduces to one car width at multiple locations; and
  - exits onto the B1256 as a T junction, whereas the Little Canfield development joins the B1256 via two roundabouts.

Consequently, adding an additional 40 dwellings would have a disproportionality large and adverse impact for those already living in this area.

It is noted that the Environment Act 2021 introduced provisions concerning Biodiversity gain as condition of planning permissions and Defra published its corresponding Environmental Improvement Plan 2023 together with Guidance on Complying with the biodiversity duty: unfortunately, these documents freely use the term “biodiversity” without defining it. Nevertheless, the United Nations Convention on Biological Diversity, did define “biological diversity” and this has been adopted by the International Standards Organisation in, e.g. ISO 32210 as “variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part”: i.e. it includes consideration of ALL living organisms and not only those that have been designated as needing specific protection. The environmental consultants contracted by Weston Homes in both their documents {and, by repartition, in WH202 (Jack’s)}, and in the public enquiry concerning a previous proposal by Western Homes, acknowledged the existence of many wild animals but then disregarded them as they were not protected under wildlife legislation. Hence, the environmental ‘evidence’ produced by Weston Homes does not address ‘biodiversity’ as internationally agreed and understood. As can be seen from the ISO definition, a correct understanding of biodiversity requires consideration of the interplay of animals of all sorts (whether protected, or not, by wildlife legislation, including humans) and their environment. Replacing open arable land with houses will prevent wild animals crossing to the privately owned wood adjacent to the west of the proposed development (the view into which frequently affords view of deer - a sight greatly enjoyed by local residents, including those transiting from the Priors Green estate to the Takeley shops via Jacks Lane).

Doubtless others will make the following points in more detail, but I understand that this proposal conflicts with policies S7 and S8 as housing in this parcel would remove the important gap of undeveloped land between the suburban housing development at Priors Green and the rural setting of Smiths Green.

Recent events have demonstrated that Britain needs to be able to feed itself, and for that we need farmland. We cannot continue to scrub-up agricultural land that has been used for growing crops for hundreds of years and instead ‘plant’ yet more houses. To do so would not only be detrimental as regards protecting the global environment from climate change, it would also be detrimental to true biodiversity. This is slowly being recognised by government, as mentioned previously: so stop NOW and DO NOT grant approval to Weston Homes for any further development.

## **2) Further considerations based on the potential for developing adjacent land owned by Weston Homes.**

I consider that, if planning permitted by rules, consideration should be given to the fact that Weston Homes own much of the land surrounding this proposed development. For example, see the Site Ownership document, which depicts the land owned by Weston Homes as:

- 1) a small parcel of land abutting the B1256, which seems to be currently under development;
- 2) a larger parcel of land to the East of Smiths Green Lane, now subject to the application for 40 dwellings;
- 3) a significantly larger parcel of land to the East of Smiths Green Lane and to the South of the A120; and
- 4) a significantly larger parcel of land to the West of Smiths Green Lane also to the South of the A120.

It should be noted, that the Smiths Green Lane mentioned above is a protected lane, is narrow, and has protected greens and verges on either side with a 7.5 Tonne weight limit for lorries.

It should be noted that all of 2) and part of 4) were the subject of an earlier application for development, known as “Warish Hall Farm” (Ref UTT/21/1987/FUL), which was rejected upon appeal. One of the reasons given in the inspector’s report, Appeal Ref: APP/C1570/W/22/3291524, was that this proposal was inconsistent with protection of the Countryside Protection Zone, Policy GEN6, together with Policies S7 and S8. This Section 62A Planning Application would seem to be a stepping stone towards undermining the great weight give to the heritage assets’ conservation in the previous planning application by a process of gradual and systemic erosion of the value of those assets by diminishing the setting in which they are located.

Potentially, Weston Homes intends to develop all the assets described in 2), 3) and 4) in the fullness of time. However, rather than repeating their earlier mistake of proposing a large development, they seem intend on progressively developing each parcel of land in a piecemeal fashion. Perhaps, by so doing, they hope to thwart the use of the “Dealing with ‘repeat applications’ for development that has already been refused” as described in HMG’s ‘Guidance Making an application’ (<https://www.gov.uk/guidance/making-an-application#Changes-to-the-description-ofdevelopment>)? Therefore, this application should consider such a matter carefully, especially if Weston Homes continue to own all the parcels of land 2), 3), and 4).