

## Section 62A

The Planning Inspectorate  
3<sup>rd</sup> Floor, Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

22 November 2023

Dear sirs

Re : Section 62A Planning Application: S62A/2023/0023  
Eastfield Stables, May Walk, Elsenham Road, Stansted, Essex, CM24 8SS

The Local Planning Authority (LPA) do not allow public speaking when considering Section 62A applications and thereby no opportunity for the applicant to comment upon the case officers committee report prior to the members forming their opinions and authorising the case officer to submit those comments to your office. In normal situations the agent/applicant would be allowed to address the committee.

Accordingly, we would submit, directly to yourselves, our responses to the issues raised by the case officer.

The case officer suggests 4 reasons that should be given for the application being refused.

We would, firstly, address **reason 3**.

At the time of writing his report, sent along with this response for clarity in the event that the LPA fail to provide it, which was posted on the LPA website on the same day as further information from the applicant in response to the holding objection requested by the Lead Local Flood Authority (LLFA) was posted, the officer would not have had the opportunity to revise his report in order to reflect the additional technical details.

The further information that has been submitted was also sent to the LLFA and their reply is still awaited at the time of writing.

Having watched the committee meeting remotely today, it was disappointing that the officer failed to inform the members that this further information had been submitted to address the holding objection. He should also have pointed out that the Late List, item 14 of the agenda, described the technical information that was included within the further submission.

Turning now to **reasons 1 and 2**.

There are several elements to these reasons; the introduction of built form, the location, residential use, scale and appearance, land use and sustainability.

The design of the development was explained in the Design and Access Statement (DAS) that supports the application.

The previous use of the site was equestrian which is a rural pursuit, if anything is. The buildings are modelled on stables so they could be seen as converted units.

The local environment has essentially been created by human endeavour. The earth bunds and the paddock are the prominent features of the site.

The proposed development, creating an open parkland type setting, with a comprehensive programme of tree planting and areas of meadow will enhance the local natural environment.

A Preliminary Ecological Assessment (PEA) and a Landscape and Visual Appraisal (LVA) form an important part of the application and they both illustrate the care and attention that has been employed to ensure that the local and natural environment remains firmly at the forefront of the development.

The location is sustainable and the Council should be aware that they have granted multiple development proposals in recent years, some with more than 5 new dwellings, where no additional services or facilities were included.

For example, Elsenham has had many residential developments approved in recent years, none of which provided any facilities or amenities.

The latest example is illustrated in appendix xi) of the applicants DAS, an appeal decision granting planning permission for 90 dwellings. The Inspector in that appeal noted particularly that the site is not a designated or valued landscape; the site is contained and not visible from distant views; the containment of the site provides little connection to the wider agricultural context; the development does not propose loss of any important environmental features in its setting; the bund proposed is likely to be seen as a typical linear feature along the M11 corridor and that the density of development proposed could be reasonably comfortably accommodated within each parcel, such that it would readily relate to the existing adjacent developments.

The main difference between that development and this development proposal at Eastfield Stables, is 90 dwellings compared to 5 dwellings.

The Eastfield Stables proposal has considered openness more of a benefit than high density, space within the development allowing the occupants to appreciate a calmer and more relaxed setting.

The applicant put forward Eastfield Stables for consideration in the Call for Sites made by the LPA in early 2021. It is only now, late in 2023, that the LPA have released into the public realm their appraisals of the 299 sites that were considered.

It was suggested in the submission that the Eastfield Stables site could, using the densities approved in the locality, could accommodate up to 99 dwellings.

It was never the applicant's intention to build 99 dwellings but to obtain a reasoned appraisal of the site at a time when the LPA was actively seeking small and medium sized sites to include within the new Local Plan.

This is the official comments on the site arising from that appraisal;

*"The site is poorly related to the existing settlement of Stansted Mountfitchet and separated from the main built-up area of Elsenham by Alsa Wood and the M11. It is therefore discounted from further assessment. The site is of a high heritage sensitivity. Development of the site is likely to have a direct and/or indirect impact upon the setting of the Stansted Park."*

That appraisal contains references that have never ever been raised in any application that has been submitted for planning permission at Eastfield Stables.

Firstly, where is the Stansted Park? To the applicant's certain knowledge, he used to own Park House which lies to the south of the B1256, and a Stansted Park has never been mentioned in any documentation connected with planning applications that he made during that time.

There is mention of Stansted House Park in the address on planning application made by the owners of Stansted House but there is no official designation on plans of the area.

The reason for illustrating this point is to show the inconsistency of the LPA when considering applications on Eastfield Stables.

In the Call for Sites assessment the site is noted as of “...a high heritage sensitivity. Development of the site is likely to have a direct and/or indirect impact upon the setting of the Stansted Park.”

The case officer here noted the conservation officer’s opinion that because the only heritage asset in the area is sufficiently away from the application site the proposal would not lead to less than substantial harm to that heritage asset.

So, we have to ask, why the different conclusion?

Take away the heritage concern from the call for sites assessment and all that remains is to consider the location.

The applicant has supplied evidence that the site is in a sustainable location and that development has been allowed in the very adjacent area, appendix xi of the DAS as previously referenced, and the relationship to Alsa Wood does not affect the sustainability factor nor indeed does the M11 which is in a cutting and there is pedestrian access into Elsenham.

Within the DAS the application gave just one example where permission has been granted for development that is not on a public transport route.

It is accepted that rural areas will be more dependent on movement by car.

Any car journeys to access Elsenham or Stansted are relatively short, a point that has been made by Planning Inspectors and agreed by the LPA themselves on many occasions.

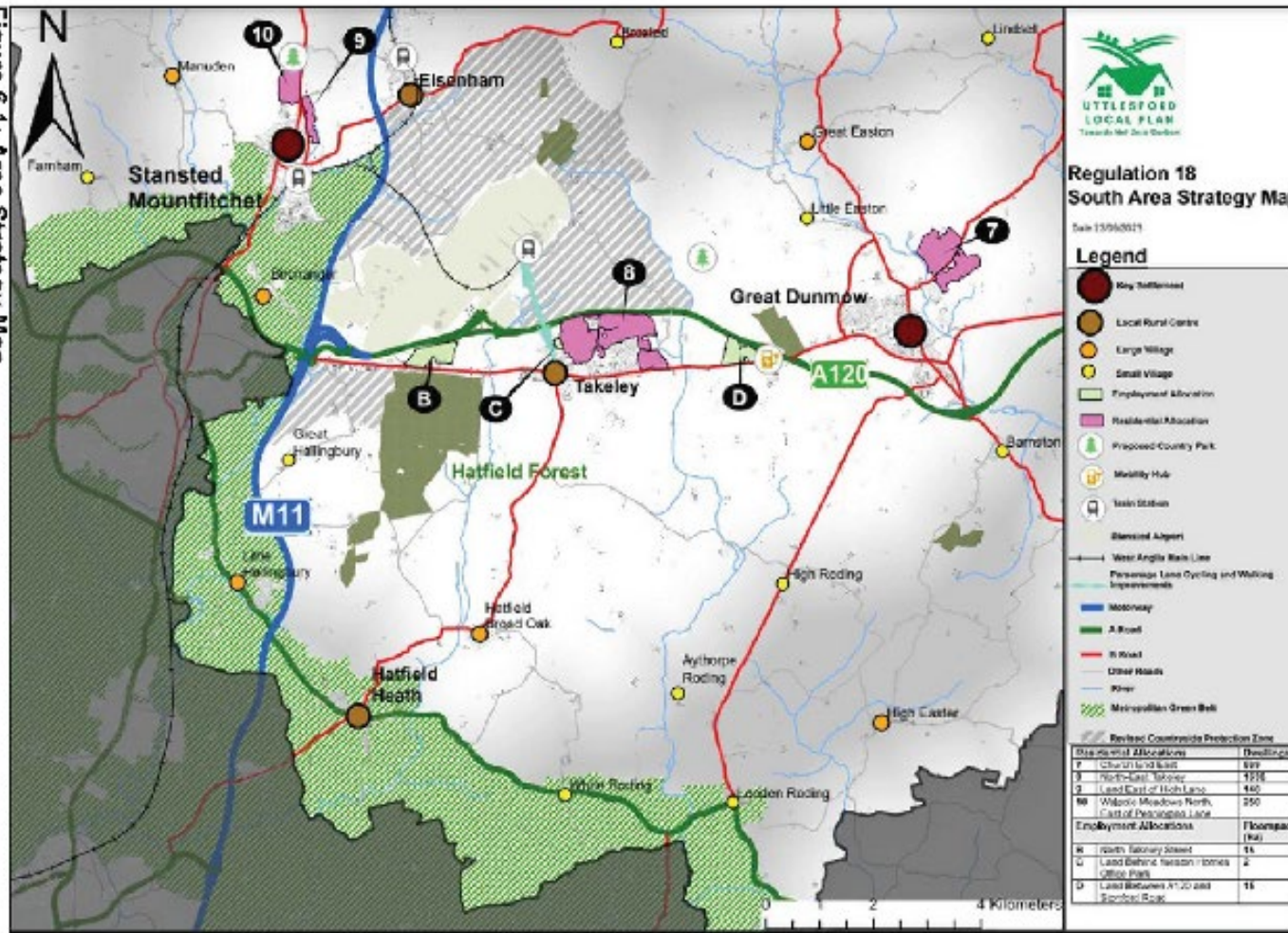
Therefore, as the Call for Site was essentially seeking sites for development that by default are within the countryside of which Eastfield Stables is one such and that the LPA assessment of the site has been exposed here as inconsistent, then the site could have progressed to have been included within the emerging draft local plan Regulation 18 consultation with the potential to provide up to 90 dwellings.

That consultation includes two local sites outside of Stansted that are divorced from the main centre and thereby the amenities and facilities contained therein, with future residents having to rely on private car transport for access to them.

Those sites are identified on this extract from Chapter 6 of the emerging local plan Regulation 18 consultation.

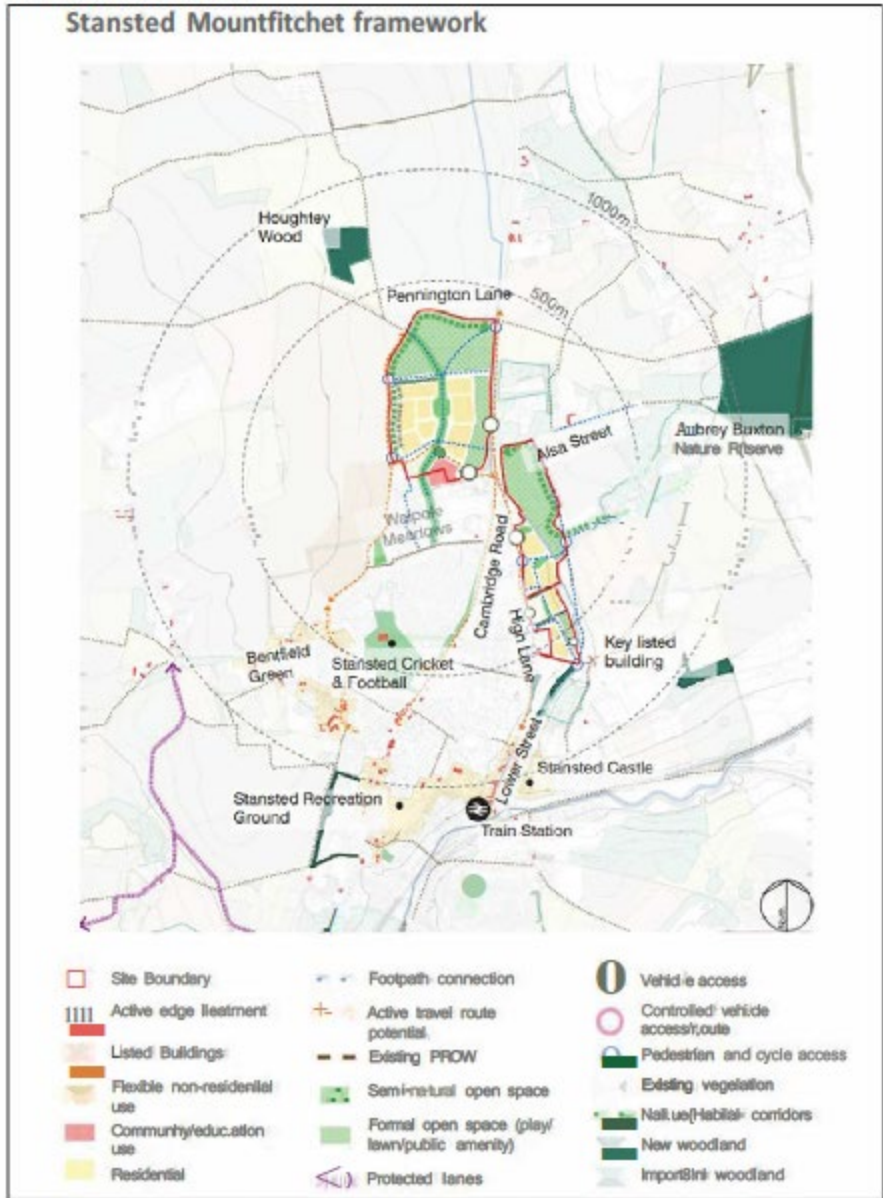
The two sites are numbered 9 and 10 (top left) on the plan and are further illustrated in fig 6.3

Figure 6.1: Area Strategy Map



South Area Strategy Map

**Stansted Mountfitchet**



**Figure 6.3: Proposed Strategic Allocations at Stansted Mountfitchet**

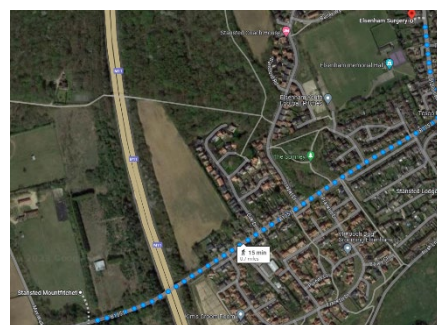
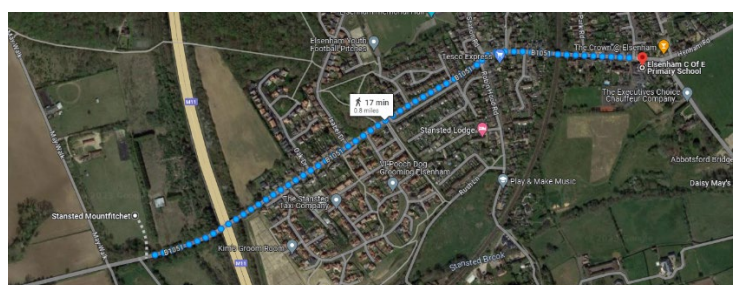
The text that describes the two sites and why they are proposed in the regulation 18 plan is paragraph 6.18 on page 73 of Chapter 6 reproduced here;

6.18 The proposed allocations within Figure 6.3 seek to cumulatively deliver around 390 dwellings, green infrastructure, open spaces, and new transport infrastructure. These allocations deliver a level of growth which can support the vitality of Stansted Mountfitchet and provide essential new facilities whilst also being well integrated into the settlement and protecting its important historic character. Key considerations for planning for these sites will include:

- enhance pedestrian and cycle connectivity with the town centre and Cambridge Road by developing active routes that can be easily accessed from all points of the development including the large open space in the north of the development
- provide an additional community use such as an educational building or health and leisure facility that is easily accessible by walking distance to surrounding developments within 20 minutes
- provide a large green space in the north of both sites that is accessible by 10 minutes to surrounding homes, and create a green pedestrian link that connects the sites with the public rights of way (PROW)
- provide a new 2 Form Entry Primary School for the new development here and to assist with planning for the wide catchment along with making provision for expanding the existing secondary school
- create areas of green and blue infrastructure across the site that are capable of supporting biodiversity. These spaces should link with the PROW to the east and beyond to the County Wildlife Site and Local Nature Reserves, and
- conserve and enhance the setting of the listed buildings. Development should seek to establish how key views of the landscape are protected and equally how the development impacts views into the settlement from the landscape to the east.

The Applicant in this Eastfield Stables application would point out that;

- no local employment proposals arise from those two sites
- Eastfield Stables is already connected to a green pedestrian link to the public rights of way providing easy access to the local Nature Reserve
- Eastfield Stables is within easy walking distances of the main facilities of Elsenham. It is a 15 minutes walk to the Doctors Surgery and a 17 minutes walk to the school, both passing the shops on the way. As can be seen from the map extracts, the local sports facilities at the Memorial Hall grounds are also within a reasonable walking distance.



The case officer recognises these facts in his report but quotes the nearest bus stop as 9 minutes away at Leigh Drive. That is not the case. Planning consent granted for residential development south of Stansted Road, UTT/13/1790/OP required 2 new bus stops to be

provided nearer the M11. These bus stops have been provided and are 200 metres from the site entrance at Eastfield Stables.

At the planning committee meeting this morning, one member stated that he was concerned that there were no footpaths to Elsenham from the site. The officer failed to correct that misconception nor did any of the other committee members. It was evident that the Councillors had been denied the opportunity to make a site visit and that they were totally unfamiliar with the area and of Eastfield Stables in particular.

The case officer has, in paragraphs 13.3.19 to 13.3.21 of his committee report, concluded that the proposal is an entirely inefficient use of land and decries the private benefit as it is not a public benefit.

It has to be borne in mind that Eastfield Stables is private land, there is no public access to it nor a public right of way through it.

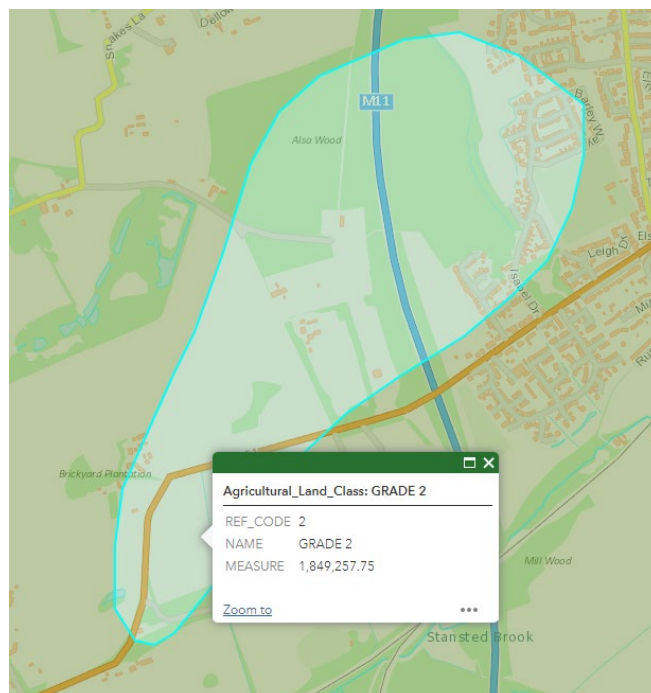
The plot sizes of the proposal would allow for the formation of kitchen gardens which would relieve pressure on land elsewhere being made available for allotments.

Fruit trees are included within the landscaping proposals as well as wild flower meadow planting and so the ecological value of the land will be enhanced.

The case officer states, in paragraph 13.3.2 of his report, that the site is Grade 2 (Very Good quality) agricultural land being part of the district's best and most versatile agricultural land (BMV).

That statement must be challenged. The site is too small to have value commercially for farming uses. The case officer does recognise, in paragraph 13.3.2, that there is plenty of BMV land in the locality. There is no Grade 1 land in the district.

This extract from the LPA Constraints map confirms that Eastfield Stables is a very small, self-contained parcel of land within a small area of Grade 2 land that is inset in a sea of Grade 3 land. As can be readily seen, the north eastern area of this area of Grade 2 land has already been built on and more recent approvals (see appendix xi Part B of the DAS) has allowed further development on Grade 2 land.



The case officer, in paragraph 13.3.15, criticises the plan size of the dwellings.

He has failed to note that a substantial part of the floor plan creates space for home working. Not just a desk space but a designed work space that can accommodate many service type practices. Eastfield Stables already has two live/work units, plots 2 and 2A, in one of the converted buildings.

By including that amenity space there is an opportunity to create employment.

The applicant is content for a suitably worded condition be applied to the approval of this application that the dwellings are classified as home/work units should the decision maker feel it be necessary.

Of course, if the dwellings were 2 storey dwellings, typical of the type of dwellings being erected in the very close locality and across the district generally, then the floor plan would be smaller.

These dwelling have been designed as single storey dwellings precisely because of their location and the fact that they cannot be seen from the outside thereby not being intrusive within the wider landscape.

Concerns expressed by the Conservation Officer, as highlighted in paragraph 13.3.25 of the case officers report, regarding the materials to be used have been, quite rightly, noted by the officer to be adequately addressed by condition.

Finally, we come to **reason 4.**

The case officer, while noting in paragraph 13.3.15, that a draft heads of terms for a section 106 agreement has been submitted he then proceeds to reason that no mechanisms is in place to secure the provision of the financial contribution for the affordable housing and the payment of the Council legal costs and monitoring fees.

The Council's Housing Officer has agreed that a contribution for the off-site provision of the affordable housing is appropriate.

The Council however, at the time of writing, have not yet responded to the Financial Viability Assessment that has been submitted.

The draft heads of terms does not have to be signed before planning permission can be granted but the section 106 agreement does.

It is the responsibility of the Council to produce the draft s106 agreement. They will set the terms that trigger the dates for the provision of the contribution.

The Council have been made aware of the contact details of applicant's solicitor but as yet no correspondence has been forthcoming from the Council.

It is suggested therefore that the reference to the signing of the section 106 agreement be included within the wording of the grant of permission in the normal manner, that the consent is granted subject to the signing of the s106, as well of course as other conditions that would be listed separately.

Suffice to say at this stage that the applicant is willing to enter into a s106 agreement should it be required to once the Financial Viability Assessment has been considered.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

V F Ranger

On behalf of NB Investments UK Limited.