

KEEP CLAVERING RURAL

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10th December 2023

Dear Sir,

Section 62A Planning Application Number: S62A/2023/0025
Land to the North of Eldridge Close, Clavering, Essex

Keep Clavering Rural (“KCR”) has been told by Uttlesford District Council (“UDC”) that as UDC is only a consultee, it is not possible for comments to be made on the case officer’s report that is due to be laid before the Planning Committee on 13th December. Any comments must, instead, be directed to the Inspectorate.

Accordingly, and having considered the case officer’s report, KCR has the following comments on it:

Generally

The report contains numerous typographical and grammatical errors and gives every appearance of having been hastily put together. This leads to a natural suspicion as to the soundness of its conclusions.

In particular:

Paragraph 14.4.10 is wrong in stating that the development:

“would not be readily directly be visible from the south of the site and along Stickling Green Road”

Although when standing immediately in front of Eldridge Close, little of the development will be seen, but it will be **clearly** visible when viewed from further along Stickling Green Road in the direction of Court Farm. It will also be clearly visible from numerous nearby footpath viewpoints and Byway 75. This point was made at some length in KCR’s original objections letter to the previous application for 32 houses on the site now under Appeal. We have already copied this letter to the Inspectorate and it seems the case officer is either unaware of our comments or, for some reason, has chosen not to refer to the visibility of the development from the surrounding countryside.

It is difficult to understand the statement in **Paragraph 14.4.13** that the development will:

“preserve the special interest of nearby heritage assets” (being the nearby Court Farm buildings).

On the contrary, this newest cluster of houses will introduce a discordant element, harming both heritage assets and their setting. In order to “*preserve*” these heritage assets, the development would have to be in sympathy with them, both in terms of design and volume. The proposed development will do neither of these things.

Paragraph 14.5.4 attributes greater significance to Paragraph 103 of the NPPF than is warranted. While Paragraph 103 recognises greater use of the car in rural areas, that is simply a statement of the obvious. It is not intended as an encouragement to developers to build new houses at the furthest point from a village’s core facilities - in this case, the school and shop, located some two kilometres away in the southern area of Clavering. While the case officer appears to recognise this by admitting that Paragraph 103 is: “*not a positive for the proposed development*”, he then makes the strange assessment that: “*the location of the site and close by to available local facilities.....should be considered positive*” when those facilities are at the other end of the village and hardly “*close by*”. While the facilities are indeed a positive for the village, in general terms, the location of this site is not a positive in being located so far away from them.

Paragraph 14.8.4 rather assumes that there is no problem over connecting with the foul drainage system in Eldridge Close. In fact, there is a major problem because that foul drainage system is not adopted and has been shown to be problematic over the years. Indeed, references to a private foul drainage system in the title documents reveal that it was never intended to be adopted, and doubtless was constructed with that in mind. Now, some 10 years or more later, pretending that foul sewer adoption is not an issue and can be easily achieved is, quite frankly, verging on the speculative. While the sewage company does, indeed, have a statutory duty to provide suitable drainage in all adopted areas, it has no duty whatever to adopt the foul drainage system of the proposed development if it is isolated from the adopted system in Stickling Green Road by the **unadopted** system in the existing Eldridge Close that is, on existing information, unlikely to be adopted.

The case officer’s reference in **Paragraph 14.18.2** to the NPPF compliant part of Local Plan policy S7 carrying: “*limited weight*” conflicts with recent appeal decisions where it has been held by Inspectors to carry more significant weight. Indeed, this is admitted by the case officer in his very next Paragraph. In that paragraph (and ignoring the second bullet point, that makes no sense whatsoever) the third bullet point makes it clear that in the appeal against UDC’s refusal of 9 houses on the site, the Inspector ruled that the compliant part of S7: “*can be afforded considerable weight*”.

In **Paragraph 14.18.6**, downgrading the Council’s 5 year housing land supply achievement as being: “*marginal and just over the required supply*” is inappropriate. The fact is that the supply **does** exceed 5 years and it matters not whether it is just over 5 years or substantially over 5 years. Simply **being** over 5 years lifts the planning balance into a different category and, as a result, the impact of the presumption in favour of sustainable development is less. Using terms such as: “*marginal*” and “*just over the required supply*” is language we would have expected from a developer, not a UDC planner whose function is to point out that the planning balance changes once the 5 year target has been met. Suggesting that, as UDC’s achievement is only “*marginal*”, the element of marginality should have an impact on the assessment of the “*meaningful contribution*” that the development will make to the housing supply, is inconsistent with the clear requirements of the NPPF. Paragraph 14(c) of the NPPF refers to “5 years” not “in the region of 5 years”,

No guidance to Members

What astonishes us almost more than any of the points above, is that the case officer is giving no guidance to Members as to the issues that should be raised with the Inspectorate by UDC as consultee. As with the previous proposal for 32 houses (under Appeal) the case officer expresses his own view that in the planning balance, the benefits outweigh the harms (see Paragraph 15.2) and then (in Paragraph 15.3) simply leaves Members floundering over what they should put to the Inspectorate.

Yours faithfully,

Frank Woods
Deputy Chair,
Keep Clavering Rural

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