



TAKELEY PARISH COUNCIL

Planning Inspectorate
section62a@planninginspectorate.gov.uk
By Email Only

RE: S62A/2023/0027 Warish Hall Farm, Smiths Green Lane, Takeley, Essex

The Parish Council strongly objects to the application, which was refused in August 2023, S62A/2023/0016 in an identical application and dismissed at appeal in August 2022 as part of the larger Land at Warish Hall Farm proposal.

Since those decisions were made, UDC's housing supply has been restored to over 5 years and Smiths Green, at the heart of the Weston Homes masterplan, has been designated as a conservation area. The Conservation Area appraisal has been submitted for further information.

Heritage harm is assessed by Place Services in their letter dated 27th November, 'The development will be conspicuous in the rural setting of the Conservation Area and have an urbanising effect on the general character of the setting, representing a change in land use, all with permanent effect. On this basis, in my opinion, the proposal will cause a low level of less than substantial harm to the significance of the designated Conservation Area from development within its setting in terms of the National Planning Policy Framework (NPPF, 2023), making paragraph 202 relevant.

The plans for a lit and resurfaced foot and cycle path are part of a wider connectivity plan, devised by Weston Homes to link the sites of the wider application which was dismissed at appeal in August 2022. There is no safe foot and cycle link for all users to amenities in Priors Green, via the restricted byway, and there is no safe foot or cycle link along the protected lane or on Village Green verges. Proposals for a lit and surfaced path would harm the rural setting are unsuitable as a bridleway. The developer has not addressed the refusal reasons stated in the August 2023 decision notice.

- '1) It has not been adequately demonstrated that lighting and loss of vegetation, particularly in relation to access works and off-site proposals to improve the restricted byway Takeley 48/25 would not result in unacceptable harm to the established character and appearance of the surrounding area and to the significance of Smiths Green Lane (Warish Hall Road), a protected lane and non-designated heritage asset. This is contrary to policies S7, ENV9 and GEN2 of the Uttlesford Local Plan and paragraphs 130 c), 185 c) and 203 of the National Planning Policy Framework.
- 2) It has not been adequately demonstrated that safe and suitable access to and from the site for pedestrians and cyclists could be achieved which meets highway design standards whilst responding to local character and biodiversity considerations, contrary to Uttlesford Local Plan policy GEN1 and paragraphs 92, 110 and 112 of the National Planning Policy Framework.'

This is a rural location with dark night skies. Light pollution and loss of vegetation would have an unacceptable impact on the natural environment and wildlife, contrary to Policy GEN7 – Nature Conservation, which states, 'Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation.'





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We have reason to believe that drainage for path improvements would require removal of existing trees and hedgerow, having received correspondence from the landowner responding to our reports of surface water flooding of the path in Jacks Lane. In January 2023, the landowner responded to our email enquiry to say,

‘Apologies for the delay on this. It’s been difficult to get people to look at in the run up to Xmas. However we were able to find a ditch expert to look at it last week. His assessment was that because there is no obvious place where the water can run and the area is very overgrown it would take a huge excavation, including a lot of trees having to be removed to try to solve the problem. Which would cause major disruption to the road, local residents and huge costs. Therefore his recommendation is to leave it as it is and let the occasional flooding pass.’

There is also conflict with GEN1 Access as the visibility splays from the development onto Smiths Green Lane cannot be achieved without the removal of Village Green status verges and hedgerow, which would require a separate application to the Secretary of State, with no reason to believe that permission would be granted. Information on the Village Green Status of verges has been provided.

Increased traffic on the single-track Smiths Green Lane would cause constant and irreparable damage to the protected lane, in conflict with ENV9 – Historic Landscapes. The policy states that, ‘proposals likely to harm significant local historic landscapes... and protected lanes... will not be permitted unless the need for the development outweighs the historic significance of the site.’ There are no pavements on Smiths Green Lane and no potential to create foot or cycle links.

The site lies in the Countryside Protection Zone (CPZ), and in the 2023 Survey for the Takeley Neighbourhood Plan, 98% of respondents felt that the CPZ is important and should be retained. The Uttlesford Policy originates from the 1981 to 1983 London Airports Planning Inquiry which considered the expansion of Stansted Airport and the further development of Heathrow. Sir Graham Eyre QC acted as Inspector at the Inquiry and the Government accepted his report and recommendations, which included the requirement for a Countryside Protection Zone. The LUC 2016 CPZ Study is provided for further information.

The inspector on the appeal dismissal of the larger scheme in August 2022, ‘identified that the proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, would reduce the open character of the CPZ’

This material considerations for this application are similar to the recently dismissed appeal at Land South of Stortford Road, Lt Canfield, ref. APP/C1570/W/23/3317874, where significant weight was afforded to relevant policy conflicts,

‘76. As set out above Local Plan Policy S8 is a more nuanced planning control in relation to maintaining open countryside around the airport. There is nothing in the evidence which would indicate that the rationale for this policy is no longer relevant, and the policy recognises the intrinsic character of the countryside. Consequently, significant weight can be given to conflict with this Policy.

77. Policy ENV2 seeks to ensure the protection of listed buildings and their settings. Although the Policy does not make reference to the balancing exercise required by the Framework, it is nonetheless consistent with the requirement of the Framework to sustain and enhance heritage





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assets and give great weight to their conservation. As such, significant weight can be given to the conflict with this Policy.'

Aspects of the application cannot be delivered. The combined harms to the countryside, Countryside Protection Zone, ecology and the setting of the Smiths Green conservation area significantly outweigh the benefits of the proposal and we ask that permission is refused.

Yours faithfully

Jackie Deane

Jackie Deane
Clerk to the Council