

# Representation from Cllr Bagnall

## **Proposal: Consultation on S62A/2023/0027 – Full planning application for erection of 40 no dwellings, including open space landscaping and associated infrastructure**

### **Location: Land at Warish Hall Farm North of Jacks Lane Smiths Green Lane Takeley**

I am the Ward Councillor for Takeley and Little Canfield and the application site sits within Takeley.

I object to this application on the following grounds.

1. This application is more or less the same as the previously refused application S62A/2023/0016.
2. The application fails to accord with the Development Plan
3. The application site is in an unsustainable location
4. The applicant has not demonstrated any need for the development to take place in this location
5. The site sits adjacent to a newly adopted Conservation Area
6. The Local Authority can now demonstrate a 5.14 year housing supply, which includes a buffer.
7. The applicant has failed to address the findings of the previous Inspector, when dismissing application S62A/2023/0016.

My reasons are as follows.

#### **1. Repeated Application**

Many people are struggling to understand how this application can be allowed to come forward again, following refusal on the 9 August 2023, with no apparent changes. It may be helpful if the Inspector could explain why that is, so that the public can understand this at any subsequent hearing.

There is also a 'parallel' application with the LPA, which further confuses members of the public.

This is the third such application for this site and people are wondering how this can be allowed to continue and been seen as a 'fair' process.

## 2 – Development Plan

The application fails to accord with policies S7, S8, ENV3, ENV8, ENV9 and GEN2 of the Uttlesford Local Plan.

The site sits outside the developments limits of Takeley and clearly sits within the countryside which conflicts with the local policy **S7**.

The site also sits within the Countryside Protection Zone (CPZ), which conflicts with policy **S8**. This is an important policy in the Development Plan, as it seeks to preserve Stansted Airport as an airport in the countryside by preventing coalescence between the built form of Takeley and Little Canfield and the airport.

Significantly, the proposed site lies within Parcel 5 of the Countryside Protection Zone (CPZ). UDC Policy **S8** was first adopted in the UDC 1995 Local Plan where it said, “The priority within this zone is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments”. The CPZ is a well-established and longstanding policy, designed to maintain a local belt of countryside around Stansted Airport.

In 2016 UDC commissioned a study to assess the CPZ. The resulting LUC report concluded that Parcel 5 (Smiths Green) of the CPZ which contains the proposed site would result in an overall HIGH level of harm if this parcel were released.

It should be noted that this site was previously included in an earlier larger planning application which was dismissed on appeal (Appeal Decision APP/C1570/W/22/3291524 dated 9 August 2022). The Inspector concluded, inter alia, “I have 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 [and] would reduce the open character of the CPZ”.

There would also be harm to the historic landscape, in particular;

### **Policy ENV3 - Open Spaces and Trees**

Development would result in the loss of traditional open spaces and other visually important spaces.

### **Policy ENV8 - Other Landscape Elements of Importance for Nature Conservation**

Development in this location would adversely affect landscape elements including hedgerows, larger seminatural or ancient woodlands, semi-natural grass lands and green lanes.

### **Policy ENV 9 – Historic Landscapes**

Development in this location would harm local historic landscapes and protected lanes. There will be an adverse impact on designated and non-designated heritage assets, including the ‘protected lane’ of Warish Hall Road. Specifically, the proposals would fail to preserve the special interest of the listed building, Hollow Elm Cottage, which is contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This conflicts with NPPF (2021), **Paragraph 202** being relevant.

### 3. Unustainable Location

Essex CC Highways have made it clear that the location is unsuitable and had previously recommended refusal as this application is not able to demonstrate that safe and suitable access can be achieved for all users. This conflicts with policy **GEN1** and the NPPF **paragraph 112** on sustainable transport as residents would be reliant on the use of the private motor vehicle.

The lack of pedestrian footways on Smiths Green and reliance on public rights of way which are isolated and unlit for all pedestrian movements mean that they are not attractive or suitable for general everyday use particularly in terms of personal safety.

National Highways have also raised concerns about the cumulative impact on the strategic road network, given other development, already approved, in Takeley.

### 4. Need for Development

The applicant has not demonstrated the need for the development proposed to be in this location.

It is important to also add that sufficient development has already been approved in Takeley to meet any potential 'local' need more than twice over.

### 5. Conservation Area

The site sits adjacent to the newly adopted Conservation Area of 'Smiths Green' and its setting would be impacted by this development. In particular approaching from north of the site travelling towards Smiths Green, as identified by Place Services in their response of 27 November 2023;

"With regards to the recently designated Smiths Green Conservation Area, Historic England's GPA Note 3 The Setting of Heritage Assets (2017) sets out a stepped approach to the assessment of the contribution of setting to significance. This includes identifying attributes of setting in terms of the heritage asset's physical surroundings and how the asset is experienced. The Smiths Green Conservation Area Appraisal and Management Plan (CAAMP) by Place Services (May 2023) provides an assessment of Key Views, and the setting of the Conservation Area including the contribution this makes to significance which is Step 2 of the approach to assessment set out in GPA Note 3. View 8 on page 32 of the CAAMP is taken from a viewpoint outside of the Conservation Area to the north, looking towards Smiths Green. It highlights the importance of kinetic views across the rural landscape as one enters the Conservation Area from the north, noting that: 'Views of the historic buildings and their relationship with the rural landscape has been subject to little change over time. The agricultural land and its open character contributes to the historic interest of Smiths Green and the individual buildings within it.'"

It should be further noted that;

"Step 3 of the GPA Note 3 recommended assessment is to identify attributes of a development that will affect the setting of a heritage asset, in order to elucidate its implications for significance. The proposed development of 40 houses and associated access road and hard and soft landscaping will be in proximity to the northern part of the Conservation Area, and will appear in key views from the north into the Conservation Area

from the Protected Lane and fields on the eastern side of the lane to the south of Parker's Farm. 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."

## 6. 5-Year Housing Supply

The local authority can now point to committed development of over 7000 houses, which provides the LPA with a 5 year supply figure of 5.14 years. It should also be noted that this amount of commitments would probably equate to over 10 years' worth of supply with the annual target of around 700 homes. UDC can also point to a sound performance in terms of delivery of new homes.

## 7. Applicant has failed to address findings of refused application

Having looked at the detail within the documents it's clear to me that the applicant has failed to address the previous reasons for refusal and does beg the questions as to why this repeated application has been allowed to be validated.

The Inspector's summary states the following.

*1. Planning permission is refused for the development described above, for the following reasons:*

*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.*

The Inspector further states.

### *Conclusion*

*90. The applicant has failed to demonstrate that there would not be harmful effects on the character and appearance of the area and setting of the protected lane as a non-designated heritage asset (specifically including its effects during hours of darkness and removal of vegetation), and there is a lack of an agreed scheme to secure safe pedestrian and cycle access to and from the site. This conflicts with the Local Plan and the policies within the Framework when taken as a whole. The application should therefore be refused for the reasons set out above.*

## **In Conclusion**

The application site is in an 'unsustainable' location and will likely rely on the private motor vehicle for journeys to local services and for any wider services required, with no safe access for all users. This will have an adverse cumulative impact on the highways network.

The site is clearly in the countryside, contravening local policies S7 and S8, and will also have a detrimental impact on the local wildlife, introducing light and noise pollution that is not currently there.

Development in this location will also have a material impact on the agrarian landscape and the setting of the protected lane, as well as a material adverse impact on 'designated' and 'non-designated' heritage assets, within this 'unique' setting.

There will be a 'cumulative' impact on health facilities in the wider area, as there is no medical provision within Takeley itself. The nearest such facilities are in Dunmow or Hatfield Broad Oak, both of which are over 3 miles away

The previous reasons for refusal have not been addressed by the applicant.

The applicant has failed to demonstrate that the development needs to be in this location.

**I urge you to reject this application for all the reasons stated above.**

Geoff Bagnall

Ward Councillor

Takeley and Little Canfield