



UTTLESFORD DISTRICT COUNCIL

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Mr Jonathan Bell

Dated: 25 July 2019

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/19/1366/FUL
Applicant: Mr Craig Huber

Uttlesford District Council **Refuses Permission** for:

Demolition of garage and erection of 1 no. detached dwelling with new vehicular access at 1 Park Cottages Little Park Lane Felsted CM3 1LA

The refused plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
2019-224-001	Location Plan	07/06/2019
2019-224-002	Proposed block plan.	07/06/2019
2019-224-003 A	Combined	07/06/2019
DESIGN & ACCESS STATEMENT	Design and Access Statement	07/06/2019
PROTECTED SPECIES REPORT	Protected species report by Brindle and Green, June 2018.	07/06/2019
BIODIVERSITY CHECKLIST	Completed biodiversity checklist.	07/06/2019
LETTER FROM PLACE SERVICES	Letter from Essex County Council, Place Services dated 28 August 2018.	07/06/2019

Permission is refused for the following reasons:

- 1 The erection of a new dwelling at this site would represent development at an unsustainable location, not within a settlement or other site boundary. The proposal is not one which needs to take place within the countryside and is considered inappropriate to the rural area in which it is set. There is no special reason why the proposed development needs to be at the site. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework; contrary to the adopted Uttlesford Local Plan Policy S7; and, contrary to the Uttlesford Local Plan Regulation 19 version Policy SP10.
- 2 The proposal would be detrimental to highway safety and result in an unacceptable degree of hazard to all road users by reasons of an inability to provide the required vehicular visibility splays and the creation of an access on the B1417, a stretch of Secondary Distributor highway where the principal function is that of carrying traffic freely

and safely between centres of population, leading to the slowing and turning of vehicles associated with the use of the road conflicting and interfering with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. As such the proposal is contrary to Policy GEN1 of the adopted Local Plan; Policy TA 1 of the Regulation 19 Local Plan; and, Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 3 The proposal, by necessitating the creation of a vehicular access with an area of hardstanding and by the creation of built form on the site, would result in significant harm to the character and appearance of the area by urbanising the setting to the site. The proposal would detract from the rural character of the setting to the site. As such the proposal is contrary to Policies S7 and GEN2 of the adopted Uttlesford Local Plan; Policy SP 10 of the Regulation 19 Uttlesford Local Plan; and, the provisions of the National Planning Policy Framework.

- 4 The site is situated within the 22km zone of influence for the Blackwater Estuary SPA/Ramsar site. Natural England's advice is that impacts from new residential development should be minimised in such a context. The local planning authority has been advised that a financial contribution should be sought in line with the Essex coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Furthermore, specialist advice recommends, in order to deliver measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework, that biodiversity enhancement measures are necessary as part of the proposed development. In the absence of a financial contribution or specific measures addressing biodiversity, the local planning authority is of the opinion that the proposal would be detrimental to nature conservation and contrary to Policy GEN7 of the adopted Local Plan.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
S7 - The Countryside	Uttlesford Local Plan 2005	
GEN1 - Access	Uttlesford Local Plan 2005	
GEN2 - Design	Uttlesford Local Plan 2005	
GEN3 - Flood Protection	Uttlesford Local Plan 2005	
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	
Uttlesford Local Parking Standards		
EDG - Essex Design Guide		
ECP - ECC Parking Standards (Design & Good		

Practice)September 2009

SPD2 - Accessible homes and
playspace

SP1 - Presumption in Favour
of Sustainable Dev UDC Local Plan Emerging
(Reg. 19 (20))

SP10 - Protection of the
Countryside UDC Local Plan Emerging
(Reg. 19 (20))

H10 - Accessible and
Adaptable Homes UDC Local Plan Emerging
(Reg. 19 (20))

TA1 - Accessible Development UDC Local Plan Emerging
(Reg. 19 (20))

D1 - High Quality Design UDC Local Plan Emerging
(Reg. 19 (20))


D8 - Sustainable Design and
Construction UDC Local Plan Emerging
(Reg. 19 (20))

EN7 - Protecting and
Enhancing the Natural
Environment UDC Local Plan Emerging
(Reg. 19 (20))

EN10 - Minimising Flood Risk UDC Local Plan Emerging
(Reg. 19 (20))

EN11 - Surface Water
Flooding UDC Local Plan Emerging
(Reg. 19 (20))

NPPF3 - National Planning
Policy Framework 3



Gordon Glenday
Assistant Director Planning

Notes:

1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

As this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK
<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>