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# National Planning Policy Framework

S62A/2023/0025

Comments in connection with the Revised National Planning  
Policy Guidance (December 2023) including Housing Delivery  
Test figures on behalf of

Richstone Procurement Ltd

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Land north of Eldridge Close, Stickling Green, Clavering

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Land north of Eldridge Close, Stickling Green,  
Clavering



## DOCUMENT CONTROL SHEET

DATE	ORIGINATORS	APPROVED
08/01/24	KS	AM

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## 1.0 INTRODUCTION

- 1.1. An outline application has been submitted on behalf of Richstone Procurement Ltd under Section 62A of the Town and Country Planning Act 1990 for the erection of up to 28 dwellings, public open space, sustainable drainage systems, landscaping and associated infrastructure and development, on land to the north of Eldridge Close, Stickling Green, Clavering.
- 1.2. The application is due to be considered at a hearing on 1<sup>st</sup> February 2024. In an email received from The Planning Inspectorate dated 20<sup>th</sup> December 2023, the Inspector invited the applicant to consider whether the revised National Planning Policy Guidance which came into force on 19<sup>th</sup> December 2023, has relevance to the application. Comments on the Government's updated Housing Delivery Test published on the same day, have also been invited.



## 2.0 COMMENTS

- 2.1. Paragraph 1 of the revised NPPF refers to the need to provide sufficient housing and revised wording now states that preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective. Not only has Uttlesford District Council (UDC) been placed in special measures due to its under performance in planning decisions, but the Secretary of State has also now intervened due to lack of progress in the preparation of its local plan.
- 2.2. On 19th December 2023, the Secretary of State for Levelling Up, Housing and Communities wrote to UDC highlighting the importance of planning for the development needs of communities and that having an up-to-date local plan is a priority in meeting this objective. The letter goes on to state that UDC is one of only 12 LPA's who have failed to adopt a local plan and that its persistent failure to adopt a plan has left communities vulnerable to speculative development and at risk of not delivering the economic growth and infrastructure required.
- 2.3. Paragraph 11 of the revised NPPF is unchanged in terms of the wording of the presumption in favour of sustainable development, although amendments to the footnotes are of relevance to the application.
- 2.4. For decision taking, paragraph 11(d)(ii) requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 2.5. Footnote 8 now states that the presumption in favour of paragraph 11(d)(ii) will apply where:
  - (a) the LPA cannot demonstrate a 5 year supply (or a 4 year supply, if applicable, as set out in paragraph 226) of deliverable housing sites and does not benefit from the provisions of paragraph 76; or
  - (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
- 2.6. With regard to (a) above, the Council's latest 5-Year Land Supply Statement and Housing Trajectory dated 9<sup>th</sup> October 2023 (using a base date of 1<sup>st</sup> April 2023) identifies a land supply position of 5.14 years for the period 2023-2028. This is only marginally above the required 5-year supply and paragraphs 6.11 – 6.15 of AM-P's Planning Statement sets out further detail as to the weight to be attributed to the now marginal over supply.



- 2.7. Furthermore, paragraph 77 states that where there has been a significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20%. UDC have failed the HDT (refer to paragraph 2.9 below) and therefore the additional 20% buffer applies. This is likely to mean that the housing supply position is less than the reported 5.14 years.
- 2.8. Paragraph 226 of the revised Framework sets out circumstances by which certain LPA's will only be required to identify a 4-year supply of deliverable housing sites, instead of a minimum of 5 years. This policy applies to authorities which:
- "have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need."*
- 2.9. Regardless of whether or not the LPA maintain they have a 5 YHLS or that the local plan is sufficiently progressed to require only a 4 YHLS (thus not engaging the presumption in favour of sustainable development or 'tilted balance'), the Authority have failed the Housing Delivery Test and therefore the tilted balance is re-engaged by virtue of part (b) of Footnote 8.
- 2.10. The Housing Delivery Test: 2022 measurement as published on 19<sup>th</sup> December 2023 identifies UDC's delivery of housing at just 58% over the previous three years. This is substantially below the 75% threshold which triggers the presumption in favour and puts UDC as one of the worst performing local authorities with regard to housing delivery.
- 2.11. The presumption in favour of granting planning permission therefore applies to the proposal, where paragraph 11(d) of the NPPF requires the decision maker to grant planning permission unless, having undertaken a balancing exercise, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 2.12. Paragraph 7.4 of AM-P's Planning Statement as well as paragraphs 14.18.1 – 14.20.1 of the Council's Report of the S62A Application to Committee dated 13<sup>th</sup> December 2023, set out the benefits of the scheme and planning balance. Both conclude that the harm caused by the proposed development is not considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies of the Framework as a whole.
- 2.13. Other revisions to the NPPF which are of relevance to the application include paragraph 60 relating to delivering a sufficient supply of homes. This further emphasises the need to meet the needs of groups with specific housing requirements and now states that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.





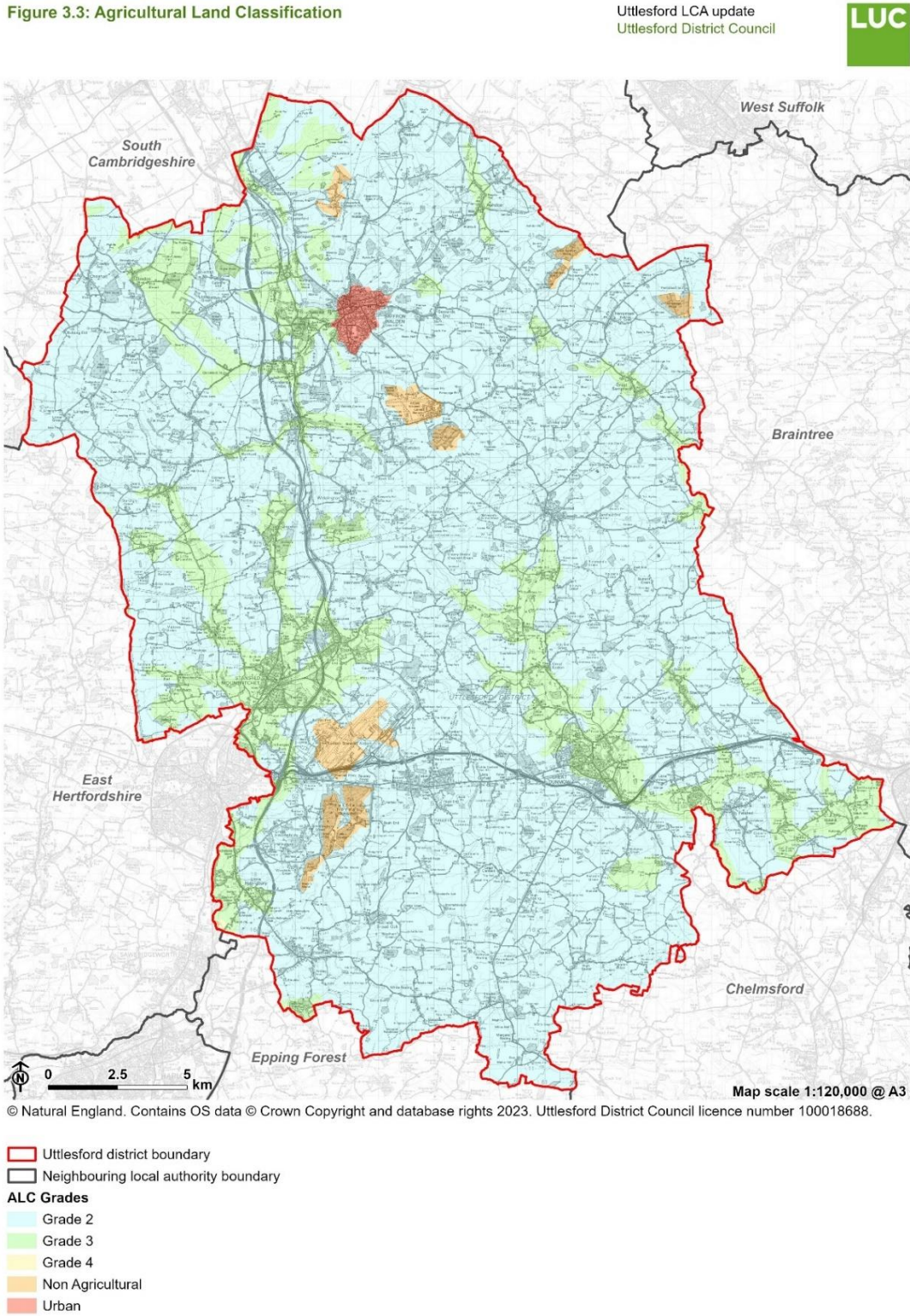
- 2.14. Proposed development on land north of Eldridge Close will make a meaningful contribution towards meeting Clavering’s identified housing needs. The Illustrative Site Plan shows how the site could be development to deliver 28 dwellings with a mix of house types including 2, 3 and 4 bedroom houses, as well as bungalows and apartments. Together with the provision of 40% affordable housing, the proposed development will include an appropriate mix of house types for the local community, as required by paragraph 60.
- 2.15. Paragraph 182 footnote 62 has been amended to state that the availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development. The application site is defined as Best and Most Versatile (BMV) agricultural land Grade 2.
- 2.16. The majority of land surrounding Clavering is Grade 2. Whilst there is some Grade 3 land, this is limited largely to the corridor of the River Stort which lies within Flood Zone 3 and therefore has associated flood risk constraints. A Landscape Character Assessment dated October 2023 has been prepared by LUC as part of the emerging local plan evidence base. Figure 3.3 of the document shows the Agricultural Land Classification map. This shows that virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1 (**Appendix 1**).
- 2.17. The Uttlesford Draft Local Plan Regulation 18 document was published for consultation in November 2023. This does not include a policies map but does include broad strategy maps for Strategic Allocations housing at Key Settlements and Local Rural Centres. Core Policy 19: Rural Area Housing Requirement Figures, identifies a further requirement for 1,000 dwellings in non-strategic sites in the rural area, to be distributed across the Larger Villages, including Clavering. The plan sets a residual requirement for Clavering of 111 dwellings between 2021-2041 (**Appendix 2**).
- 2.18. In order to meet the need of the emerging local plan for an additional 111 dwellings within Clavering, it is highly unlikely that this can be achieved without the use of BMV agricultural land. As set out in paragraph 6.61 of AM-P’s Planning Statement, the application site is small in agricultural terms, bounded by vegetation on three sides and inefficient for modern machinery. It is inevitable that future housing needs of the district will result in the loss of BMV land in view of the limited supply of brownfield land. Given its relatively small size and the presence of other high-quality land across the majority of the District, it is considered that loss of the site for food production remains a limited negative effect in the planning balance.

Appendix 1





Figure 3.3: Agricultural Land Classification



12535\_002\_r0\_LCA\_ReportFigures/Figure 3.3: Agricultural Land Classification P 05/10/2023 EB:shayler\_h

## Appendix 2





## Core Policy 19: Rural Area Housing Requirement Figures

In accordance with the Spatial Strategy in Core Policy 2: Meeting our Housing Needs, the 1,000 dwelling non-strategic (sites under 100) housing requirement for the rural area will be distributed across the Larger Villages and other settlements within designated neighbourhood areas in accordance with **Table 8.2** shown below.

For clarity, the housing requirement over the plan period 2021-2041 is the figure to be met through non-strategic development in each Parish in total, taking into account completions since 1st April 2021 and known commitments (at 1st April 2023), with the residual location figures to be delivered through **additional** Neighbourhood Plan allocations (where a Qualifying Body wishes to do so) or the Uttlesford Local Plan with the sites to be confirmed at Publication (Regulation 19) stage.

The Local Plan identifies Strategic Allocations at Key Settlements and Local Rural Centres. For this reason the housing requirement figures for these settlements for the purposes of informing Neighbourhood Plans or Non-Strategic Allocations is NIL.

Development will be supported at non-strategic allocations at the Larger Villages through a masterplanning process involving the community, local planning authority, developer and other stakeholders, where development meets the requirements set out within the relevant Neighbourhood Plan or allocation policies (to be included in the Publication version of this Plan – where required) and in accordance with the Development Plan taken as a whole.

**Table 8.2: Housing requirement figures for Larger Villages and other villages preparing a Neighbourhood Plan.**

Settlement Hierarchy Tier	Parish	2021-41 Housing Requirement Figure	Residual requirement to be allocated through non-strategic allocations (at 1st April 2023)
Larger Villages	Clavering	186	111
Larger Villages	Henham	170	112
Larger Villages	Birchanger	3	0
Larger Villages	Little Hallingbury	22	0
Larger Villages	Stebbing	171	109
Larger Villages	High Easter	114	104
Larger Villages	Felsted	309	95
Larger Villages	Ashdon	58	41
Larger Villages	Debden	141	92
Larger Villages	Elder Street (Wimbish Parish)	130	115
Larger Villages	Hatfield Broad Oak	130	111
Larger Villages	Manuden	30	0
Larger Villages	Great Easton	138	110
Smaller Villages	Fritch Green	0	0
Smaller Villages	Little Dunmow	0	0
Smaller Villages	Little Easton	0	0
Smaller Villages	Radwinter	0	0
Smaller Villages	Quendon & Rickling	0	0
Open Countryside	Broxted	0	0
Open Countryside	Cherry Green	0	0

## Core Policy 19: Rural Area Housing Requirement Figures

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Open Countryside	Duton Green	0	0
Open Countryside	Tilty	0	0
Open Countryside	Little Chesterford	0	0
	<b>TOTAL</b>	<b>1,712</b>	<b>1,000</b>

### Rural Exception Sites

- 8.14 The rural area of Uttlesford District contains many areas with high house prices and a limited supply of affordable homes. There is justification therefore for an exception to be made against normally restrictive policy beyond built-up areas, to allow for affordable housing to be provided on small sites that would not normally be considered for housing use, where there is a local need and where other policy considerations are acceptable.
- 8.15 On that basis, and in addition to the non-strategic allocations outlined in **Core Policy 19: Rural Area Housing Requirement Figures**, limited rural exception sites will be supported, in principle, to deliver affordable housing to meet local needs in rural areas where market housing may not usually be supported, including within the Green Belt, where there is an identified local need and on a small scale that adjoins the existing settlement.
- 8.16 The NPPF requires local planning policies to support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and to consider whether allowing some market housing on these sites would enable the scheme to be viable. In these instances, it is important to establish that a specific need exists and then to make sure that accommodation is made available for those people who have a genuine need for housing in the locality that they cannot meet in the market. Such people may for example, include existing residents who need separate accommodation locally, key workers or people who have longstanding links with the local community, such as people who used to live in the village but were forced to move away because of a lack of affordable housing, and people who need to move back into a village to be near relatives.
- 8.17 'Local' in this context means 'within the parish', principally, although the needs of those who live or work in an adjoining parish may also be accepted. This would particularly apply where a scheme is proposed in a Smaller Village that would meet the needs of adjoining smaller communities. Properties need to meet an identified local need and be provided and maintained by a registered or other provider, to be agreed by the Council at an early stage. On some exception sites the Council may consider development that includes cross-subsidy from open market sales on the same site. The applicant would need to demonstrate to the Council's satisfaction that a mixed tenure scheme was essential to the viability and delivery of the development.