

REF: 01023/GA/DJ/L0010

12 January 2024

Sent by email to: section62a@planninginspectorate.gov.uk

Leanne Palmer
The Planning Inspectorate
3rd Floor, Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Ms Palmer

S62A/2023/0021 Moors Field, Station Road, Little Dunmow, Essex

Approval of reserved matters for appearance, landscaping, layout and scale for 160 dwellings and a countryside park pursuant to conditions 1 and 2 of outline planning permission UTT/21/3596/OP

As requested in your email of 21st December 2023, we are pleased to provide the applicant's comments on the revised National Planning Policy Framework (NPPF) and updated Housing Delivery Test (HDT) figures that were published on 19th December 2023.

National Planning Policy Framework (NPPF)

Paragraph 224 of the revised NPPF states that its policies "*are material considerations which should be taken into account in dealing with applications from the day of its publication*". The revised NPPF should therefore be taken into account in determining the application. This said, there are very few changes in the revised NPPF that are relevant to the consideration of a reserved matters application where the principle of development is approved. There are currently no objections to the application that raise issues with regards to compliance with the NPPF and we don't consider that the revised NPPF raises any issues with regards to the application.

The only changes that we consider to be relevant to the determination of the application are:

- A couple of paragraphs include additional reference to creating beautiful places and buildings:
 - Paragraph 96 has been amended to state that planning decisions should aim to achieve beautiful buildings in addition to healthy, inclusive and safe places. There is no objection to the aesthetic qualities of the proposed buildings and we therefore consider that the proposal is in accordance with this paragraph.

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- Paragraph 128 amends the requirement for decisions to make efficient use of land such that decision takers should consider the importance of securing not just well-designed places but well-designed and beautiful places. The proposal would make efficient use of the site with respect to proposing an appropriate density of development whilst achieving a high-quality and beautiful design in accordance with the outline consent. We therefore consider that the proposal would meet the requirements of paragraph 128.
- Paragraph 138 is amended to clarify that the primary means of assessing and improving the design of development should be through the preparation and use of local design codes. In this respect, the proposal has been designed to accord with the Essex Design Guide which informed the development of the design code for the site.
- Paragraph 140 requires relevant planning conditions to refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. With respect to this change, a full suite of clear and accurate plans is submitted with the application that can be conditioned. This includes a Materials Plan and we would expect further details of the precise materials to be used to be conditioned.

Housing Delivery Test (HDT)

The Council's HDT result for 2022 indicates that the delivery of housing in Uttlesford was just 58% of the housing requirement over the previous 3 years. This highlights the dire situation with respect to housing delivery in Uttlesford. It is relevant to the current application as it shows the importance of approving deliverable housing developments without delay. Paragraph 79 of the new NPPF also confirms that the presumption in favour of sustainable development (as set out at paragraph 11, footnote 8) applies where a LPA's HDT result is below 75%. This is not specifically relevant to the consideration of this reserved matters application, but it does further demonstrate how significant the housing crisis is in the district.

Secretary of State Letter to Uttlesford District Council

In addition to the revised NPPF and updated HDT figures, the Secretary of State also wrote to Uttlesford District Council on 19th December 2023 (see **enclosed**) to direct the Council to revise their Local Development Scheme. The reason for this was that:

Uttlesford District Council is one of only 12 LPAs who have failed to adopt a local plan prepared in accordance with the 2004 Act and one of only seven who are not currently taking their draft plan through the examination process. Your Council's persistent failure to adopt a plan has left your communities vulnerable to speculative development and has risked not delivering the economic growth and infrastructure they need.

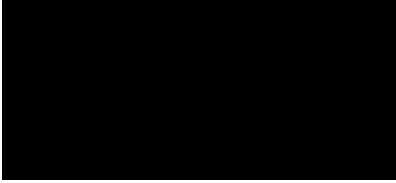
This is relevant to the consideration of the application as it provides a further demonstration of the Council's failure to plan for sufficient housing growth and the corresponding importance of approving deliverable housing developments without delay.

Conclusion

Thank you for the opportunity to comment on the revised NPPF and updated HDT figures. We trust that this letter provides a useful update and we look forward to discussing further at the hearing.

If you require any further information at this stage please do not hesitate to contact me.

Yours faithfully



Geoff Armstrong / [Redacted]

Director

Armstrong Rigg Planning

Direct Line: [Redacted]

Encs.

Secretary of State Letter to Uttlesford District Council, 19th December 2024

**ENCLOSURE. SECRETARY OF STATE LETTER TO UTTLESFORD DISTRICT COUNCIL,
19TH DECEMBER 2023**



Department for Levelling Up,
Housing & Communities

Rt Hon Michael Gove MP
*Secretary of State for Levelling Up, Housing &
Communities*
Minister for Intergovernmental Relations
2 Marsham Street
London
SW1P 4DF

[REDACTED]
Leader of Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

[REDACTED]
19 December 2023

Dear [REDACTED],

s.15 Planning and Compulsory Purchase Act 2004 intervention in the Uttlesford District Council Local Plan

In my role as Secretary of State for Levelling up, Housing and Communities I have been consistently clear that local plans are at the heart of the planning system. The Planning and Compulsory Purchase Act 2004 (the 2004 Act) in section 19 requires that each Local Planning Authority (LPA) must identify the strategic priorities for the development and use of land in the authority's area, and policies to address those priorities must be set out in the LPA development plan documents, such as the local plan.

Following the publication of the revised National Planning Policy Framework (NPPF) today, I have emphasised the importance of planning for the development our communities need and that having an up-to-date local plan is a priority to meet this objective.

Uttlesford District Council is one of only 12 LPAs who have failed to adopt a local plan prepared in accordance with the 2004 Act and one of only seven who are not currently taking their draft plan through the examination process. Your Council's persistent failure to adopt a plan has left your communities vulnerable to speculative development and has risked not delivering the economic growth and infrastructure they need.

The deadline for the submission of plans in the current system is 30 June 2025, and there is limited time remaining in the current plan-making system for the submission of a draft plan. Given the poor progress your authority has made towards adopting a plan over the last 19 years, I have considered whether I am justified in using my powers of intervention to ensure that your authority has an up-to-date timetable, which indicates whether you will submit a draft plan in the current system.

Local planning authorities are required to publish and maintain a Local Development Scheme (LDS) as set out in section 15(1) of the 2004 Act. Following the publication of the revised NPPF, and having considered your limited progress towards submitting a draft plan, I have considered using my powers of direction under section 15(8)(b) of the 2004 Act.

The relevant provisions of the legislation are as follows:

The local planning authority must revise their local development scheme—

(b) when directed to do so by the Secretary of State

I have considered whether I am justified in taking intervention action in relation to the statutory test set out in section 15(8AA)(a) of the 2004 Act. This requires that the person giving the direction thinks that revision of the scheme is necessary for the purpose of ensuring full and effective coverage (both geographically and with regard to subject matter) of the authority's area by the development plan documents (taken as a whole) for that area.

The last local plan was adopted in Uttlesford in 2005 and the last draft submitted plan was withdrawn in 2020. The first LDS for your emerging draft plan anticipated submission of the draft plan in August 2023, submission is now anticipated in November 2024. I note that the Council is currently nearing the end of Regulation 18 consultation but that this has slipped by nearly a year, when compared with the LDS published in 2020. Given your current proposed submission date and the slippage against milestones, there is a strong possibility that any further slippage will result in no draft plan being submitted before the 30 June 2025 deadline.

In order to ensure full and effective coverage of Uttlesford by a development plan it is justified to direct Uttlesford District Council to revise its LDS, given the length of time since your Council has had an up-to-date plan for its area, the delay against previous LDS milestones and the proximity of your proposed submission date to the end of the current system.

I have concluded that to ensure full and effective coverage of Uttlesford District Council's area by a development plan, I am justified in using my powers in section 15(8)(b) of the 2004 Act and I am directing Uttlesford District Council to revise their Local Development Scheme within 12 weeks of the publication of the revised NPPF.

I will be asking Departmental officials to liaise with you on this matter on a regular basis and to provide me with updates on your progress. Should you fail to comply with the direction in this letter, or should you delay progress of your emerging draft plan in relation to your LDS milestones, I will consider whether I need to take any further intervention action.

I can reconsider my decision to direct your Council at any time if I consider this is justified. If you consider there are reasons why intervention is not appropriate in your case, please advise me of these as soon as possible and no later than 12 January 2024.

I look forward to hearing from you regarding your revised Local Development Scheme.



RT HON MICHAEL GOVE MP
Secretary of State for Levelling Up, Housing and Communities
Minister for Intergovernmental Relations