



**The Town and Country Planning
(Section 62A Applications) (Hearings) Rules 2013**

**ISSUES REPORT
and
OUTLINE AGENDA**

Application Reference No: s62A/2023/0026

Applicant: Rosconn, Nigel John Burfield Holmes, Rosemary Holmes, Mark Burfield Holmes, Robert Murton Holmes, Sasha Renwick Holmes, and Tanya Renwick Cran

Proposal description: *'Outline application for the erection of up to 40 dwellings with all matters reserved except for access'*

Site address: Land west of Robin Hood Road, Elsenham

Report by: Mr Cullum Parker, BA(Hons) PGCert MA FRGS MRTPI IHBC

Consultation period: 30 November 2023 to 12 January 2024

Issue date: 26th January 2024

Hearing to be held on: Tuesday 6th February 2024

Hearing Location: Uttlesford District Council Offices, Saffron Walden

Proposal and background

1. This application was made under Section 62A of the *Town and Country Planning Act 1990*, which allows for applications directly to the Planning Inspectorate where an LPA has been designated by the Secretary of State.
2. As the appointed person, I have determined that a Hearing is appropriate in this case. This is to be held on Tuesday 6 February 2024 at Uttlesford Council Offices, Saffron Walden.
3. It will be conducted in accordance with *The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013*. This Issues Report is issued in accordance with Rule 5 of these Rules.
4. The application has been screened under *The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017*, (as amended) by the SoS. On 5 December 2023, the Secretary of State considered the Application in accordance with Regulation 12(1) of the *Environmental Impact Assessment Regulations 2017 (SI 571/2017)*. They directed that this development is not Environmental Impact Assessment (EIA) development.
5. The application seeks the erection of up to 40 dwellings. It is made in outline, with all matters other than access reserved for future consideration by a planning authority.
6. In September 2020 a scheme for the site was granted planning permission for by appeal under reference 3242550. The proposal in this case differs by moving the proposed access from Rush Lane to Robin Hood Road.

Representations

7. The application was made on 13 October 2023 and validated on the 28 November 2023. Notifications were then made with responses due by 12 January 2024. The comments have informed the main issues, as has the information contained within the submitted application.
8. All comments have been provided and published on the gov.uk website relating to this case. This can be found at this link <https://www.gov.uk/guidance/section-62a-planning-application-s62a20230026-land-west-of-robin-hood-road-elsenham> or by using a search engine.
9. Uttlesford District Council submitted a comprehensive Officer's Committee Report and confirmed that the Local Planning Authority does not object to the development.

Main Issues

10. The following, in my opinion, are the main issues to be considered in respect of the relevant application:
 - (i) Whether or not there is a demonstrable five year supply of housing land in the local authority area; and,
 - (ii) The effect of the proposal on highway safety, with specific regard to the access off and on Robin Hood Road from and to the application site; and,

- (iii) The effect of the proposal on rail safety, with specific regard to the Fullers End public footpath level crossing; and,
- (iv) Whether the proposal makes adequate provision for infrastructure, including the provision of affordable housing; and,
- (v) The benefits of the proposal, compliance with the development plan, and the overall planning balance.

Conditions and legal agreements

11. The Council and some consultees have recommended or suggested conditions if the application is to be permitted. Without prejudice, these will be discussed at the Hearing as appropriate. Any discussion of their merits does not indicate that a decision has been made on the application, but only that the conditions suggested are to be assessed as to whether they are necessary, relevant, enforceable, precise and reasonable.
12. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the case officer before the Hearing opens. These will be published on the gov.uk website.
13. Furthermore, the Council should supply a brief but concise 'CIL Compliance' type document which demonstrates how any monies sought for infrastructure align with policies of the adopted development plan. This should also include a short section on the justification for the affordable housing contained within any submitted legal agreement under s106 of the TCPA.

C Parker

INSPECTOR (Appointed person under s76D TCPA)



Outline Agenda

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Hearing to be held on: Tuesday 6th February 2024 @ 10:00

Hearing Location: Uttlesford District Council Offices, Saffron Walden

*'5.1.2. In the event that a hearing is required its purpose will be for the Inspector to allow any who wish to make oral representations and for the Inspector to put questions to address any points of fact or outstanding queries they may have. It is not a forum for parties to seek to test the evidence of others through cross-examination or direct questioning.'*¹

1. **Inspector's opening** – including summarising main issues set out in this report.
2. **Oral representations** made by those who have specifically requested to speak at the representation stage.

Approximate time limits for speaking (at discretion of the Inspector):

Speakers	
Members of the public	3 minutes (each)
Councillors	5 minutes (each)
Statutory Consultees	10 minutes (each)
Non-statutory consultees	5 minutes (each)
The Council	15 minutes
The applicant	30 minutes

Note:- Interested parties (for example neighbouring occupiers or local interest groups) may consider that it is a more effective and efficient use of their time to co-ordinate any oral representations.

3. Questions from the Inspector
4. Conditions Session – without prejudice
5. Hearing Closed

¹ <https://www.gov.uk/government/publications/planning-applications-process-section-62a-authorities-in-special-measures/procedural-guidance-for-section-62a-authorities-in-special-measures>