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13 February 2024

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Dear Sirs

S62A/2023/0030 Land to the west of Clatterbury Lane, Clavering, Essex – Letter of Objection

We act for Mr and Mrs Hugh Stewart-Richardson, residents and registered owners of [REDACTED] which is in the immediate vicinity of The Cricketers public house and of the proposed development. Our clients are also the registered owners of [REDACTED]. Please treat this letter as our clients' objection to the above application for outline permission to develop the site with all matters reserved except access for up to 28 dwellings (Class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure.

The application is inconsistent in numerous respects with planning policies set out in both the Uttlesford District Council Local Plan ("the Local Plan") and the National Planning Policy Framework ("NPPF"). It is materially similar to previous applications residential development at the same site which have been rightly refused, recognising that the location is unsustainable and unsuitable. In short, our clients object to the grant of permission on the basis that the proposed development constitutes unacceptable and unnecessary development of the countryside; cannot be supported by existing village infrastructure and transport networks; will cause irreparable harm to the character of the area; will cause significant loss of open space; and will damage the setting of the listed building The Cricketers pub.

Planning history

Two previous applications for permission to develop housing schemes at the site have already been refused, one of which was very similar to the present application. The reasons for refusal apply equally to the current application (just as many of the concerns and objections set out below were also raised by the previous applications).

- An outline application (UTT/0507/12/OP) was made for 31 dwellings on the same site. This application was refused on appeal on 24 May 2013 (APP/C1570/A/12/2184181). As detailed

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below, many of the concerns raised in the reasons for refusal apply with equal or greater force to the present Application. The issues which led to refusal arise from inherent characteristics of the site and location, as reflected in the conclusion that "...the adverse impacts of approving the scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the [NPP] Framework taken as a whole... Matters of housing land support carry substantial weight, but they do not override the conflict with the development plan, particularly its Policies GEN1 and S7" (APP/C1570/A/12/2184181 at §19).

- A further application was made in August 2013 (Ref UTT/13/2228/OP) for nine dwellings on the same site and was refused on 6 December 2013. The reasons noted that the application site was outside development limits, and that (despite seeking for a significantly smaller number of residential units than the present application) the proposal constituted unacceptable development of the countryside contrary to Local Plan Policy S7.
- Our clients note that the planning history recorded by Uttlesford District Council, Application Ref UTT/22/2917/OP relates to a different site.

Consistency of decision-making requires that the current application is also refused. It is regrettable that public time and resources have been wasted in considering an application which is so close to those which have already been considered in detail and refused.

The application constitutes prohibited and inappropriate development of the 'countryside'

Local Plan Policy S7 defines the 'countryside' as "all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries". The site is beyond the main built-up area of the village, is outside the development limits defined in the Local Plan, and clearly falls within the definition of 'countryside'. Policy S7 requires that the countryside "will be protected for its own sake" and as such (emphasis added):

"...planning permission will only be given for development that needs to take place there or is appropriate to a rural area...There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there."

The proposal does not 'protect or enhance' the particular character of the countryside in which the site is located, nor are there any 'special reasons' why the development must be located there. Indeed, as set out below there are strong reasons why the site is not appropriate for residential development and why the proposed development would be better located on another site. The essential elements of Policy S7 that require protection and enhancement of the countryside have, in several appeals, been held to be of significant weight in the planning balance (for example, see §7 of the Inspector's decision in Appeal Ref: APP/C1570/W/21/3267624 regarding the Land to the north of Eldridge Close, Clavering).

Further, the site is classed as Grade II 'best and most versatile agricultural land'. As has been recognised in previous decisions to refuse development, it is currently used for grazing, and despite the fact that it is not presently cultivated "there is no evidence...that denies its potential for the production of food and, in line with Local Plan Policy ENV5 and the [NPP] Framework paragraph 112, it is relevant to take account of the economic and other benefits of this type of land", see APP/C1570/A/12/2184181 at §14). Local Plan Policy ENV5 imposes clear conditions for the protection of agricultural land which have not been met by the proposal (emphasis added):

"Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or

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within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.”

There is no evidence to suggest that the applicant has assessed opportunities for accommodating development on previously developed sites or within existing development limits, nor has there been any attempt by the applicant to seek to use areas of poorer quality. Indeed, the area within the Clavering settlement boundary is recognised (in Local Plan Policy H3) as a preferred settlement and potential sustainable location for development; there is no justification for having failed to assess opportunities within the settlement boundary. This is particularly so given that as of October 2023 Uttlesford District Council have demonstrated a 5.14 year housing land supply (albeit without the recently introduced 20% buffer now required). There is no need for development within the countryside in this case.

The proposal will also entail a significant and unnecessary loss of highly valuable open, visually important space as well as a number of trees identified by the applicant’s own Arboricultural Survey within categories A, B, and C. Local Plan Policy ENV3 specifically prohibits such developments “unless the need for the development outweighs [the] amenity value” of the lost space. As set out above there is no ‘need’ for the present proposal which could outweigh the loss of open space and existing trees; the applicant has failed to assess opportunities for accommodating the development within development limits.

The proposal development will be visually intrusive from the main road. More significantly it will impact the view from footpath viewpoints, particularly in autumn and winter when the trees will be bare and provide no cover. There will be a significant harmful impact on the landscape overall, which will particularly affect local listed buildings and heritage assets (including our clients’ home) as detailed below.

The application is inconsistent with access, transport, and infrastructure policies

The application fails to comply with Local Plan policy GEN1 – Access (emphasis added):

“Development will only be permitted if it meets all of the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.”

The application is simply inaccurate in stating at §3.11 that ‘the site is in an area with public transport opportunities’; basic factual errors such as this might have been avoided if the applicant had there been any engagement with the local community prior to the application (there was no local engagement or pre-application consultation whatsoever). In fact the site has no public transport links. It is also some distance from the core facilities of the main village; the reasons given in refusing a previous application specifically recognised that none of the services and facilities (save for the village hall and one public house) were within a convenient walking distance of the site, see APP/C1570/A/12/2184181 at §9-10. Indeed, there is no legal pavement between the proposed site and key amenities including the shops and school, nor is there any street lighting on the route. Similarly there are no safe cycle routes available and the narrow country roads

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are ill-suited to travel by bike. Contrary to the requirements of GEN1(e), the proposal will not only fail to encourage movement by means other than driving, it will leave residents with no realistic alternative to use of a private car. Again it has previously been expressly and repeatedly recognised that “the site is poorly located” and development does not comply with Local Plan Policy GEN1(e), see APP/C1570/A/12/2184181 at §12.

Further the proposal fails to comply with requirements GEN1(a) and (b), as the traffic generated by the development (particularly given the lack of any alternative transport options) will be such that the surrounding transport network and existing access to the main roads cannot safely or reasonably support the increase. There are a number of issues with the proposed access point to the Site which the applicant does not appear to have considered properly or at all. Firstly, the proposed development access road is situated on a bend with limited visibility, meaning that the view of the road from the site will inevitably be poor. Secondly, the proposed access point is just metres away from the existing access point to the Funstons Business and Industrial Centre which already serves substantial traffic including large lorries. The combination of these features means that the proposed access point is not safe or suitable for a development of 28 residential homes. Again, this has been recognised in previous refusal decisions for materially similar developments at the same site. In refusing APP/C1570/A/12/2184181 at §10 the reasons included the fact that residential development at the site would “inevitably result in a greater use of private transport and a significant increase in traffic along village road, ill-suited to accommodate it in terms of physical and environmental capacity”. This conclusion was prior to the withdrawal of the village bus service, and in the context of a s. 106 agreement which ensured increased and improved provision; the concern applies with even greater force to the present application.

Relatedly the development does not comply with Policy GEN6 addressing infrastructure provision to support development. GEN6 provides:

“Development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.”

The development makes no provision for appropriate increases to community facilities and transport provision.

The application is inconsistent with design policy

The application fails to comply with Policy GEN2 – Design in numerous respects. The policy states (emphasis added):

“Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate.
- c) It provides an environment, which meets the reasonable needs of all potential users.
- d) It helps to reduce the potential for crime.
- e) It helps to minimise water and energy consumption.

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f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.

g) It helps to reduce waste production and encourages recycling and reuse.

h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.

i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.”

In particular, the proposal does not comply with GEN2(a). The development will not be compatible with the layout and appearance of surrounding buildings. Existing housing in the northern area of the village is in a linear pattern which is a defining characteristic of the village and important in preserving the overall rural appearance. The proposal for housing arranged in clusters is inconsistent with and will conflict with the existing layout in the north of the village (while there is some existing clustered housing this is located mainly around the Stortford Road area). The proposal epitomises the kind of urban creep which risks eventually losing the rural character of the village and should not be permitted.

The application has an unacceptable impact on biodiversity

The application is contrary to Local Plan Policy GEN7. Removal of roadside trees and hedgerow would be needed to attempt to improve the safety of access roads. This is an important habitat for a number of species, in particular previous surveys of the area have previously identified the hairstreak butterfly. The trees themselves are also mature, beautiful specimens which are now relatively rare and are highly valued by the local community.

The application has an unacceptable impact on the setting of listed buildings, heritage assets, and a conservation area

The site is in the immediate vicinity of The Cricketers (public house), a Grade II listed building. It is in close proximity to two further designated heritage assets, 'Peacocks' (Grade II) and Lantern Thatch (Grade II).

Given its proximity to the Cricketers, Local Plan Policy ENV2 'Development affecting Listed Buildings' applies to the application:

“Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted...”

The proposal is not in keeping with the 'scale, character and surroundings' of the Cricketers. Not only are the proposed dwellings out of keeping with the scale, character and surroundings of the Cricketers, but, being visible across the Cricketers' car park, will inevitable impact on the setting of that listed building. The site is also within visible distance of the Clavering Court Farm cluster of buildings to the west and will have detrimental impact on the setting of those buildings.

In addition the site is just 50m or so from the Clavering Church conservation boundary, and is within the Landscape Character Area of Langley Chalk Upland (as defined by Chris Blandford Associates in the Landscape Character of Uttlesford District 2006). The site is not adequately screened and would be an eyesore from local countryside pathways, particularly during the substantial portion of the year when the trees are not in leaf. Further, any street lighting (which might be needed given that significant problems with pedestrian safety are inevitable at the site) would have a detrimental impact on wildlife and on the rural

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character of the area more generally. Currently, Clavering has virtually no street lighting and certainly none in this northern area of the village.

Hill Green Farm is itself a non-designated heritage asset which will be detrimentally impacted by the development in close proximity.

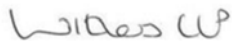
Further, our clients are the owners [REDACTED] which subject to an Agricultural Holdings Number. That land is currently used for keeping and training horses, and from time to time also for keeping sheep and chickens. The proposed development positions some of the largest new homes with disproportionately small gardens immediately along the boundary fence with this land. The development will cause a nuisance and a hazard to the current legitimate use of this land; in particular, the likely use of the residential gardens for activities such as ball games, trampolines, and barbecues will make the field unsafe for riding. In addition the family will suffer a significant loss of privacy as the field will be immediately overlooked by the new development.

Our clients are investigating the boundary position between the applicate site and their land, and reserve the right to make further submissions based on the outcome of this investigation.

Conclusion

The proposed development is simply in an unsuitable location, as has already been set out in detail in the reasons for refusing previous applications for very similar developments and as is reflected in applicable planning policies. Our clients accordingly respectfully request that the application be refused.

Yours faithfully



Withers LLP