

Planning, Design and Landscape Statement

Demolition of 12 existing structures, the conversion and restoration of 8 existing buildings to form 8 holiday cottages and 1 no. dwelling, the construction of 3 single storey dwellings, with associated infrastructure and landscaping.



Land West of Mill Lane, Hatfield Heath

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1. Introduction

- 1.1. This statement is written to accompany a planning application as required by Article 8 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, and also takes into account guidance in the Department for Communities and Local Government 'Guidance on Information Requirements and Validation' March 2010, particularly with regard to the presentation of the design process through a concise and proportionate approach.
- 1.2. The statement has been prepared in support of an application for full planning permission for the demolition of 12 existing structures, the conversion and restoration of 8 existing buildings to form 8 holiday cottages and 1 dwelling, the construction of 3 single storey dwellings, with associated infrastructure and landscaping.
- 1.3. The application relates to land west of Mill Lane and south of the Greenways Eggs packing and distribution site, together comprising previously developed land west of Mill Lane, Hatfield Heath, Essex, CM22 7AA. It is a resubmission of UTT/22/1261/FUL, which was submitted following the dismissed appeal relating to (UTT/17/2499/FUL). That application proposed the demolition of 34 existing buildings, conversion of water tower to a dwelling, erection of 25, 1-2.5 storey Dwellings, the majority of which are 2 storey, and the retention, renovation and change of use of 7 buildings to form ancillary facilities to the residential development; with vehicular access from Mill Lane. Additional off-site highway improvements were also proposed.
- 1.4. The main issues defined by the Inspector were:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on non-designated heritage assets, the character and appearance of the area and highway safety in Mill Lane; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- 1.5. The site subject of this application is the area referred to as Area 1 in the Appeal Decision.¹ Area 2 which is the premises of Greenways, does not form part of this application

¹3236047

2. Planning History

- 2.1. **UTT/14/3335/PA:** Pre-application advice for the construction of 10-15 dwelling houses on the former POW camp, Mill Lane Hatfield Heath. This related to only the front part of the site and concluded that *“the principle of the proposed development appears to be acceptable in terms of green belt subject to it not having a greater material impact than that of the existing development.”*
- 2.2. **UTT/16/3697/FUL:** ‘Demolition of existing buildings and the development of 40 new dwellings and associated infrastructure’ on 14 March 2017. The application was withdrawn following concerns about highways impact and location of built form.
- 2.3. **UTT/17/1138/PA:** Following the withdrawal of UTT/16/3697/FUL a series of pre-application meetings were undertaken between the applicant and the planning officer to determine the most sensitive distribution of development across the site in terms of protecting/ improving the openness of the Green Belt. These agreed principles underpinned the layout, scale and massing of the subsequent application - UTT/17/2499/FUL.
- 2.4. **UTT/17/2499/FUL:** Initially this was for the Demolition of existing buildings and the development of 35 new dwellings and associate infrastructure. It was subsequently reduced to 26 units following comments from ECC Highways and later redesigned to take account of the Conservation Officers comments, to accommodate the existing water tower as a residential dwelling and to retain 6 further former POW buildings. This application was recommended for approval by UDC Officers but ultimately dismissed at Appeal APP/C1570/W/19/3236047 and the current scheme is submitted in response to it.
- 2.5. **UTT/22/1261/FUL:** The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path. This application was refused for the following reason:

“The proposed development would constitute inappropriate development within the Green Belt and additional harm would result from the loss of openness. The harm by reason of its inappropriateness and loss of openness is not clearly outweighed by other considerations. There are no very special circumstances associated with this proposal that would outweigh the harm identified, therefore it fails to meet the tests found within paragraphs 147, 148 and 149(g) of the National Planning Policy Framework (2023)”

- 2.6. There was a great deal of confusion during the planning committee as the Development Manager stated that the site wasn’t previously developed land, despite the officer’s report stating it is. One of the councillors later drew attention to paragraph 10 of the previous appeal decision where the inspector confirmed it was PDL:

“The buildings in Area 1 do not appear to have been used since the second world war, but they are still recognisable structures in a discernible complex and have not

therefore, blended back into the landscape. As such, they can be considered PDL. That said, much of the southern section of Area 1 is devoid of buildings or structures and may never have been part of the POW camp, instead remaining part of Little Heath Farm. Thus, it is unclear whether the entirety of Area 1 fell within the curtilage of the POW camp. As such, parts of Area 1 may not be PDL.”

- 2.7. The councillor who proposed refusal did so on the basis that the previous inspector had found the previous scheme to “*result in a greater impact on the openness of the Green Belt than the existing development. The impact on openness would be significant because there would be notable increase in development in Area 1 but no meaningful perception that the extent of development in Area 2 had decreased.*” However, this fails to acknowledge that the previous scheme proposed 19 two storey new building dwellings on the currently application site whereas the current application is only for 3 single storey dwellings set away from Mill Lane and well screened by existing vegetation. A comparison plan submitted with this application, which shows the significant reduction in quantum of development. This is analysed further at section 6 of this document.
- 2.8. During the committee discussion there was seemingly some support for the proposal; however, It is considered the confusion surrounding the previously developed land position and the conclusions of previous appeal decision influenced the committee decision to refuse.

Appeal Decision (APP/C1570/W/19/3236047) 17th December 2019

- 2.9. The Inspector concluded Paragraph 40:

“The proposed development would not harm highway safety. However, it would harm the Green Belt, heritage and the character and appearance of the area contrary to the development plan and national policy. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.”

- 2.10. Whilst the conclusion does sound final, the Inspector provides helpful guidance as to what development may be acceptable, especially in the context of the significance of the remains of the PoW camp he identifies as non- designated heritage assets, and the importance of providing them with a long term viable use. In the light of this determination, it is notable that the decision does not address crucial information in the DBA and Heritage Assessment submitted with the proposals. For instance, despite historic mapping of the camp clearly showing its extent, the inspector states at paragraph 10 “*Thus it is unclear whether the entirety of Area 1 fell within the curtilage of the POW camp. As such, parts of Area 1 may not be PDL*”. The 1946 OS Map provided at page 6 of the 20th June 2018 Heritage assessment clearly identifies the camp, and its original buildings. A clean copy of the OS map and one identifying Areas 1 and 2 are provided below for the avoidance of doubt.

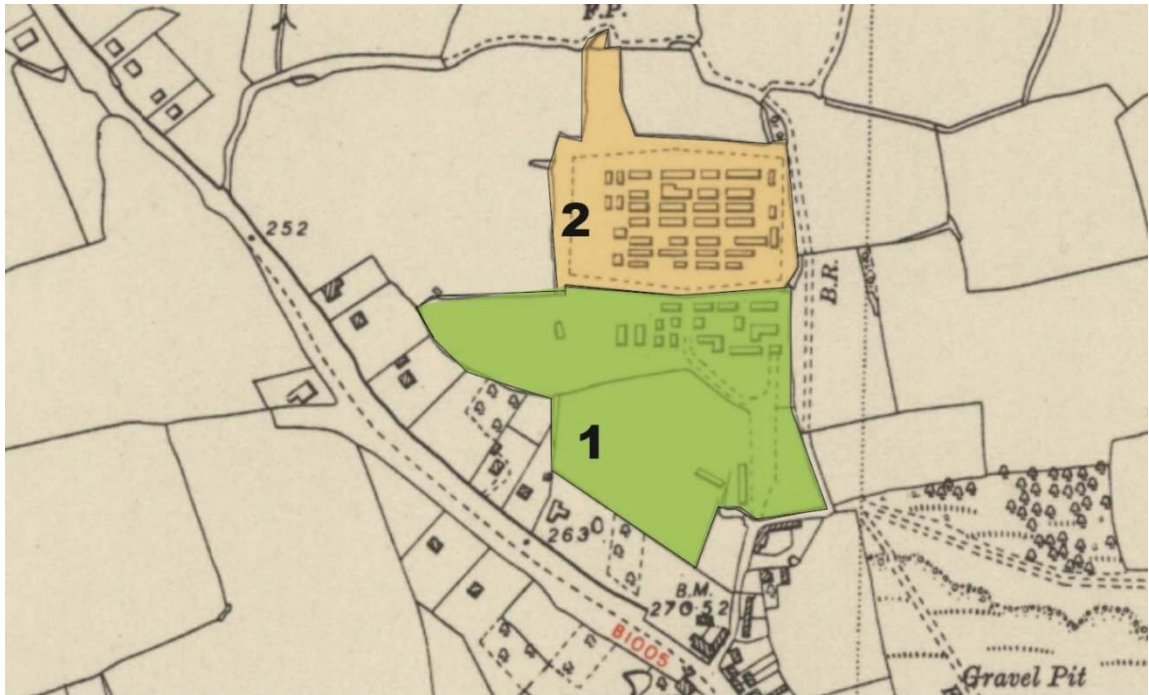
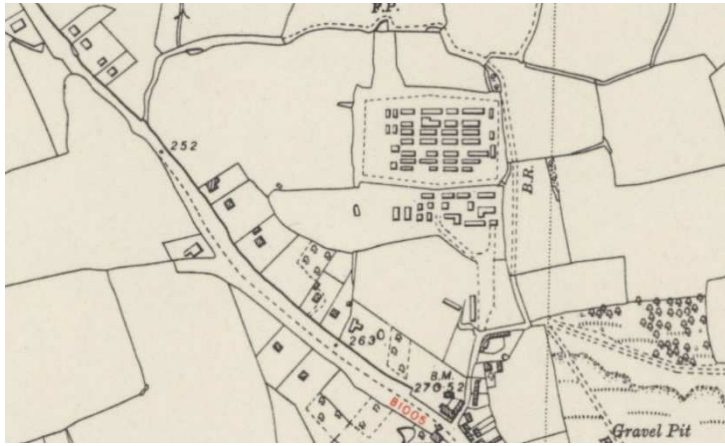


Fig 1b – Green Area 1 = Guards and canteen and recreation. Yellow Area 2 = Prisoners

Following the appeal decision, the applicant has obtained an aerial photograph of the Camp taken 7 June 1946, shown below. This confirms the location of the buildings shown on the OS map and the use of the whole site as a PoW Camp. For example, the demarcation of the ground in the area south of the buildings indicates that this area was used extensively, probably for football and the existence of structures in the peninsular of grounds to the west of the barracks suggests a formal and intensive use between it and the buildings to the east.



1946 Aerial Photo

2.11. The following comments by the Inspector are considered to be relevant to the current application and have shaped the design proposals:

2.11.1. *“Overall, Area 1 has a rural appearance that contributes to the openness of the Green Belt.”* (Para 6)

2.11.2. *“the largely undeveloped appearance of Area 1 provides an open, verdant buffer between the former POW camp and the rest of the village and thus a rural character to Mill Lane. This already helps to reinforce a gentle transition into the countryside from the village.”* (Para 14)

2.11.3. *“the effect [was] a sprawling housing estate that would have an increased presence than the existing built form in Areas 1 and 2, with a greater impact on the **openness of the Green Belt**. I therefore conclude that the appeal scheme would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.”* (Para 15)

2.11.4. The buildings are of **heritage interest** as a group – *“it is a remarkably rare survival from the Second World War, particularly as the buildings were not designed to last. Thus, although the buildings individually may be of limited interest, Camp 116 as a whole is undoubtably a non-designated heritage asset that is of considerable historic and archaeological interest given the rarity, association with a national event and the relatively good state of preservation.”*(Para 17) It is considered that the inspectors comments here have not given appropriate consideration to the intactness and condition of the existing buildings as set out in the DBA and as explored further in the accompanying Heritage Assessment

2.11.5. *“The setting of the camp would also be altered from a collection of structures that can be understood in their original historic siting and context to one subsumed by a modern housing **estate, the layout and scale of which would take little cue from the existing Camp**. The harmful impact on Camp 116 as a non-designated heritage asset would be considerable.”* (Para 18)

2.11.6. *“It is unclear how the buildings scheduled to be retained would be refurbished without some form of cross subsidy from new development“.* Because of the demolition of the 27 buildings on Area 2 to the north, he ruled that the appeal scheme would, *“overall, still result in a significantly harmful net impact upon the non-designated heritage asset when accounting for the mitigation proposed, and this is to be taken into account and weighed in my overall assessment.”* (Para 22)

2.11.7. *“the introduction of housing **across** the appeal site would result in a notable urbanising impact, especially in Area 1 which currently has a wooded appearance,”* but because of its layout and density, *“the development would have a verdant character and appearance with a visual permeability that would offset some of the harm identified.”* (Para 26)

2.11.8. “there would be a moderate level of harm to the **character and appearance** of the area. Accordingly, the proposal would be at odds with Policy GEN2 of the LP, which seeks to secure development that is compatible with its context and setting with an acceptable visual impact.” (Para 27)

2.11.9. “there would be no harmful impact on **highway safety** including the highway character of Mill Lane.” (Para 30)

2.11.10. overall, “the **benefits of the scheme** are of significant weight” (Para 33), which can be summarised as the provision of housing in a key village at a period of substantial deficit; biodiversity; economic benefits etc.

The Current Proposals

2.12. The current application is built upon the guidance and commentary of the Inspector and a return to first principles generated by the research and analysis undertaken for the last scheme. The aim has been to provide proposals that fully address the Inspector’s concerns, enhance the natural and built heritage of the place and create a policy compliant scheme.

Vision

2.13. The previous vision was of a sustainable, high-quality addition to the existing village, redeveloping an area of previously developed land within the Green Belt. The aim was to provide ecological, landscape and highways betterment and respond to an agreed deficit in housing provision in the district.

2.14. The local council and objectors believe that the camp buildings are of listable quality and since the appeal they have been included on the Council’s local list. The current application seeks to conserve the elements of heritage value and sets out to preserve in situ or convert and upgrade the huts. Area 2 is removed from the application site and Area 1 will be residential and holiday accommodation; the historic building groups will be respected and enhanced.

2.15. The grounds are largely self-set immature woodland which objectors would like preserved for wildlife. They believe that new housing development will be dangerous in terms of traffic and compete for hard-pressed local services. These points are considered and addressed below and in the associated documents; the area will be taken in hand and divided into just three new single storey dwellings. This solution will generate much less traffic, draw little on infrastructure and will cross subsidise the conversion of the POW huts as discussed in the appeal decision.

2.16. The new vision is thus the enhancement of the hutted green and its associated self-set wood in whose glades will be found the occasional dwelling. The three proposed dwellings are single storey in design and are located so that there will be very limited views into the proposed plots. This will avoid harm to the open parts of Area 1 by significantly reducing the quantum of development thus avoiding the inspector’s major worry. The number of dwellings in the application site has been reduced from 19 two storey to 3 single storey. It will also ensure that the site is set up to enhance the greenbelt – both visually and for

wildlife – and local heritage, at the same time avoiding connotations of housing estates and drawing too heavily on local infrastructure.

2.17. This statement identifies and summarises the key issues and should be read in association with the documents and plans submitted with the application.

2.18. Pelham Structures and their project team have been actively involved in discussions with the local community and the local planning authority, following initial pre-application advice received 24 July 2015. The current proposal is the outcome of these extensive discussions and seeks to sensitively address the site's location within the Green Belt and takes account of the Conservation Officer's and local population's desire to see a number of the buildings restored, retained and opened to the public in the normal course of business and on specified heritage days.

2.19. Plans have been submitted for formal approval as part of this part of this application consisting of the following:

- 471 x 01b Location Plan
- 471 x 03 A Tree Removal
- 471 x 02 E Site Plan
- 471 x 0100A Villa Floor Plans and Elevations
- 471X0200 Holiday Cottages Units 1 and 2
- 471X0300 Holiday Cottages Unit 3
- 471X0400 Holiday Cottages Unit 4
- 471X0500 Holiday Cottages Unit 5
- 471X0600 Holiday Cottages Unit 6
- 471X0700 Holiday Cottages Unit 7
- 471X0800 Holiday Cottages Unit 8
- 471 x 0900A Plot 4 Water Tower Conversion
- 471X1000 Garages
- CC296-116-1 Restoration of Std Hut- Details
- ITB11347-GA-012F Conceptual Treatment of Mill Lane Widening Scheme
- ITB11347-GA-016 Swept Path Analysis

2.20. The following documents and plans are submitted in support of the application:

- 471 Comparison Appeal scheme and proposed
- Existing Plans and Topographical survey, ALS7335/100/04, ALS7335/100/01, ALS7335/100/02, ALS7335/100/03, ALS7335/100/05, ALS7335/100/06, ALS7335/100/15, ALS7335/100/17, ALS7335/200/01A Levels, and ALS7335/200/03A Levels
- Biodiversity Checklist
- Ground Investigation
- Ecological Verification report
- Flood Risk Assessment and drainage strategy
- Revised Highways Technical Note
- Transport Assessment
- Statement of Community Engagement

- SUDS proforma
- Place Services Specialised Archaeological Advice: Confirming no objection subject to conditions.
- Place Services Historic Buildings and Conservation Advice: Supporting the principle of conversion and requesting conditions.
- Essex County Council Highways Response confirming the proposal is acceptable subject to conditions.
- Essex County Council Development and Flood Risk confirming they have no objection subject to conditions.
- Place Services Ecology response confirming they have no objection.

3. Proposal

3.1. The planning application proposes the following development components:

- 3 x 4-bedroom new single storey dwellings;
- Conversion of the existing water tower to form a 2- bedroom dwelling;
- Restoration of the core group of 8 existing buildings that previously formed part of the guards' compound at POW Camp 116 and conversion to form 4 x 1 bedroom and 4 x 2 bedroom holiday cottages;
- Tree removal and tree management works;
- Sustainable drainage measures including SuDS features where possible;
- Ecological improvements; including a woodland management scheme and the creation of new habitats as part of the landscaping strategy;
- Demolition of 12 existing structures, that are of limited quality, as agreed with councils conservation officer
- Upgrading of footpaths serving Mill Lane, improving pedestrian safety.

3.2. The above elements are shown on the drawings and explained by the reports that comprise this planning application.

3.3. The planning permission will be subject to a section 106 legal agreement (s106) to secure site-specific developer obligations if required.

4. Site Context

- 4.1. The site is located on land west of Mill Lane, Hatfield Heath. It is on the north-west edge of Hatfield Heath and has existing residential development located to the west, south and east and a commercial site to the north, together there are 43 buildings on the site , which formed POW camp 116
- 4.2. The site is characterised by a large number of rectilinear single-storey buildings and a four-storey water tower arranged around an area of hardstanding, a further informal cluster of buildings and wooded areas. The site is, therefore, predominantly previously developed land. Detailed descriptions of the site's features and its boundaries are contained within the Landscape and Visual Appraisal.
- 4.3. Existing access to the site is via two points from Mill Lane. The first, which serves the southern portion of the site, is just north of the property known as the Hollies at the point where Mill Lane doglegs east. The other is via the northernmost extent of Mill Lane providing the existing access to Greenways Eggs. Mill Lane connects with Stortford Road (A1060), the main road through the village.
- 4.4. There is currently no public access through the site, although PROW 297-9 runs adjacent to the eastern boundary of the site.



Figure 1: View from the North towards Hatfield Heath

5. Proposal in the Context of the Planning Policy Framework

- 5.1. This section sets out the statutory planning policies, material consideration and guidance which have informed this planning application.
- 5.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3. The PPG clarifies (Paragraph: 010 Reference ID: 21b-010-20140306) that the NPPF represents up-to-date Government planning policy and must be taken into account as a material consideration in the determination of a planning application or appeal.
- 5.4. A revised NPPF was published on 24 July 2018 (updated December 2023) and replaced the original NPPF, which was published in March 2012. Alongside the revised NPPF, the Government published a Housing Delivery Test Measurement Rule Book and updated Planning Practice Guidance (“PPG”) sections on Housing and Economic Development Needs Assessment and on Viability, and further updates to the Planning Practice Guidance are intended.
- 5.5. As with its predecessor, the NPPF sets out the Government’s planning policies for England and how these should be applied and is (from the day of its publication) a material consideration in planning decisions. As a statement of Government policy, it is required to be interpreted objectively in accordance with the language used, read in its proper context, and not as if it were a statute or contract: see *R (Timmins) v Gedling BC* [2015] P.T.S.R. 837 at [24] per Richards LJ.

National Planning Policy

- 5.6. The principle aim of the planning system is to contribute towards the achievement of sustainable development, which in the context of the NPPF is development that contributes positively to the economy, society and the environment. Paragraph 8 sets out the three mutually-dependent dimensions of sustainable development. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as individuals’ quality of life.
- 5.7. The NPPF and Planning Practice Guidance (PPG) make clear that where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development (paragraph 11 of the NPPF). The PPG states that where the development plan is absent, silent or the relevant policies are out-of-date, the application is to be determined in accordance with the presumption in favour of sustainable development (again, paragraph 11 of the NPPF) and to grant permission unless:

“i . the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”;

or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

5.8. Footnote 8 to paragraph 11 (d) address the issue of “most important” policies being out of date and confirms that:

“This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) 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.”

5.9. The Housing Delivery Test 2022 was published 19th December 2023 and confirms Uttlesford have only delivered 58% of their requirement and therefore the presumption in favour of development applies.

5.10. It is therefore necessary to consider:

- the relevant Development Plan;
- whether relevant Development Plan policies are up-to-date;
- the NPPF;
- and other material planning considerations.

5.11. Footnote 7 clarifies that the policies referred to are those in the *“Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage)”*

5.12. It is acknowledged that the site is located within the Metropolitan Green Belt and therefore the relevant parts of the NPPF should be taken into account when determining this application, namely section 13 and in particular Paragraph 154.

5.13. NPPF Para 88:

“Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

*c) **sustainable rural tourism** and leisure developments which respect the character of the countryside; and*

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”

5.14. Paragraph 131 states the great importance the government attaches to the creation of high quality, beautiful and sustainable buildings and empathises that good design “*is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*”

5.15. Paragraph 154:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

*g) limited infilling or the partial **or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:***

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5.16. NPPF Paragraph 136:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵³, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

- 5.17. Section 15 of the NPPF concerns conserving and enhancing the natural environment and Paragraph 186 provides guidance to Local Planning Authorities when determining applications with the aim of conserving and enhancing biodiversity.
- 5.18. While paragraph 186 is clearly directed at protecting and enhancing biodiversity, it also acknowledges that it is only *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning should be refused.”*
- 5.19. Sections 3 and 4 of the NPPF concern plan-making and decision-taking.
- 5.20. In October 2019 the Government published the National Design Guide, which sets out characteristics of well-designed places and demonstrates what good design means in practice.
- 5.21. NPPF Paragraph 203.

In determining applications, local planning authorities should take account of:

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting **them to viable uses consistent with their conservation**;*

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 5.22. Paragraph 219 of the NPPF confirms that due weight should be given to policies in existing plans according to their degree of consistency with [the] framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.23. The proposal will also affect a non-designated heritage asset and therefore Paragraph 209 of the NPPF, 2018 requires ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account; and that a ‘balanced judgement will be required having regard to the scale of any harm or loss of significance of the asset’.

- 5.24. It is proposed to construct 3 new build dwellings to secure the restoration of 8 non-designated heritage asset's meaning that NPPF Para 214 is therefore relevant to this application, which sets out that "*Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*"
- 5.25. This planning application is accompanied by a heritage assessment that has considered the significance of this heritage asset and although it is not significant enough in its own right to warrant designation it is considered to be of value to local people. As such, the findings of the heritage assessment, the comments of the conservation officer and the previous Inspector's conclusions have influenced the proposals, with the majority of the camp to be retained and put into beneficial use. These buildings have been chosen because they are identified to have more architectural and artistic value than others, plus by retaining a discernible cluster, this will also help protect the group value. This in combination with the fact that Area 2 (Greenways Eggs) no longer forms part of the proposals, will allow the history of the site to be interpreted and enjoyed by future generations, and it will also facilitate public access to these buildings, which is not currently possible.
- 5.26. Given the condition of the buildings it is likely that without rapid intervention that they will be lost entirely. In recent years the buildings have suffered numerous attacks of vandalism, which are putting the buildings at greater risk.

The Development Plan

- 5.27. The Development Plan includes the Uttlesford Local Plan 2005 (ULP). A new Local Plan was submitted for examination to the Secretary of State for Housing, Communities and Local Government on 18 January 2019. Stage 1 hearings started on 2 July 2019 and closed on 18 July 2019, with various documents subsequently published in response to matters arising from the hearings. However, on 10 January 2020, the Examining Inspectors issued a letter to the Council setting out detailed and fundamental concerns about the proposed spatial strategy and the soundness of the Plan. Paragraph 113 of the Inspectors' letter lists 13 main areas of concern, plus the need for further work on mitigation measures for Hatfield Forest Site SSSI and the housing requirement and trajectory in relation to people in communal establishments.
- 5.28. At an Extraordinary Council Meeting on 30 April 2020 the Council agreed to withdraw the Local Plan and to prepare a new Plan. The council have since published their new Regulation 18 draft local plan 2021-41 for consultation which ended 18th December 2023.
- 5.29. There is no neighbourhood plan in place which includes the application site and Hatfield Heath.
- 5.30. The Council adopted a 'Replacement Dwellings' Supplementary Planning Document in September 2006 to provide supporting guidance for such proposals.
- 5.31. A transport statement is submitted with this application and confirms that the impact on the highway will be acceptable and that the proposal would accord with the aims of ULP Policy GEN1 (Access).

- 5.32. The overarching design principles set out in ULP Policy GEN2 require development to be compatible with the scale, form, layout, appearance and materials of surrounding buildings; to minimise water and energy consumption; and to cause no materially adverse effect on residential properties through loss of privacy, daylight, overbearing impact or overshadowing. As set out below the proposed dwellings are of a size, scale and appearance that is compatible with existing buildings on the site, and their relationship with the surrounding residential properties. It is considered that the changes to design are an enhancement to that previously approved and would improve the living environment for the future residents. Further, as new builds they will be better able to minimise water and energy consumption for future residents. This is explained in more detail below.
- 5.33. The site is within Flood Zone 1, and is therefore on land at the lowest risk of flooding. There is ample compensatory space within the site to ensure that the proposal would not result in any risk of flood from surface water. The requirements of ULP Policy GEN3 would be met.
- 5.34. Compliance with the requirements of LP Policy GEN7 is addressed in the ecology statement prepared by Hopkins Ecology
- 5.35. The site is not in a conservation area, and no listed buildings are within close proximity of the site. As acknowledged above, the site is considered to be a non- designated heritage asset; however, there are no specific policies in the adopted local plan that provide guidance on this matter. Therefore, NPPF Paragraph 203 should be considered instead.
- 5.36. Policy E5 supports *“The re-use and adaptation of rural buildings for business uses, small scale retail outlets, leisure uses or **for tourist accommodation** will be permitted in the countryside, including the Metropolitan Green Belt, the Countryside Protection Zone and beyond, if all the following criteria are met:*
- a) The buildings are of a permanent and substantial construction;*
 - b) They are capable of conversion without major reconstruction or significant extension;*
 - c) The development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts;*
 - d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity)”*
- 5.37. In regard to Policy E5 it should be noted that although generally consistent with the NPPF the Policy has specific criteria that are more restrictive than the principles in the NPPF that support the re-use of rural buildings.

6. Landscape & Green Belt

6.1. A detailed LVA and Green Belt assessment were submitted in support of UTT/17/2499/FUL and updated 27th August 2019. The Green Belt Assessment made the following recommendations:

- *“Development to the north of the site limited to individual properties set within large gardens to provide a looser, less regimented layout than the existing huts. This will provide a greater sense of openness, visual permeability and avoid concentrated areas and clusters of higher density across the area;*
- *Single storey elements positioned to the north of the site increasing to taller units within the centre of the site to provide a gradual transition from the northern more sensitive edge through the site to the settlement to the south;*
- *Limiting development to the south and southwest of the site and setting back from Mill Lane and properties on Stortford Road to retain the existing sense of openness;*
- *Properties designed to incorporate traditional styles and positioned to provide a soft village edge that is more in keeping with the settlement and character of the area than the existing development and open boundary to the north of the site*
- *Redistribution of density and layout of development across the site, with higher density to the south and lower density development to the north to provide an open transition with the undeveloped Green Belt and countryside to the north; and*
- *Grouping of dwellings around a central green incorporating play and informal open space.”*

6.2. The above recommendations are considered to still be relevant and these combined with the Inspector’s comments have shaped the current proposals, their location and scale. It should be noted that the area referred to above as the ‘north’ is Area 2, which is no longer part of the proposed development area. The existing buildings on this part of the site will therefore remain and will provide a buffer between the site and the open countryside beyond. However, unlike the previous scheme the current proposals do not propose to redistribute buildings but instead seek to retain the significant proportion in the existing location with five additional single storey buildings of contemporary design, proposed on areas of previously developed land but well-spaced in order to enhance and preserve the sense of openness identified by the Inspector.

Current Proposals:

6.3. The revised scheme has only 3 new dwellings on previously developed land to replace the 12 existing structures to be demolished, these will be surrounded by self-seeded woodland with large gardens and hedgerows and trees to the site boundaries. This ensures that there will be no change in the transition and characteristic settlement edge at the interface with the wider countryside. The associated beneficial landscape and visual effects as assessed

by the LVA for this part of the site and the transitional to the north will continue to be delivered by the proposals.

- 6.4. As illustrated by the Landscape Strategy and Aerial Perspective the development to the south and west of the site is excluded and no longer affects the adjacent properties on Stortford Road. This retains an open, undeveloped aspect to the south and west, removing any adverse effects on the visual amenity of adjacent properties. The retention and management of the existing trees and supplementary enhancement planting, including hedgerows and trees to garden boundaries will retain the well treed character and backdrop, filtering views of development within the site.
- 6.5. The proposals continue to retain existing trees and hedgerow along Mill Lane, as well as providing additional new hedgerow and tree planting to provide an enhanced landscape structure and filtering of development. This includes the existing trees adjacent to the POW buildings that were previously to be removed within an area of open space. The offset to the southern and eastern boundaries along Mill Lane is no longer relevant as there are no houses here thus preserving the openness of the site as perceived from the lane and right of way. As demonstrated by the 'Comparative Views: Existing and Proposed Development' contained at Appendix 6 of this Statement, the removal of dwellings, greater separation between buildings and associated visual permeability, reduced massing and opportunities for landscape planting will serve to absorb the very limited proposals into the landscape and maintain the soft edge currently perceived from Mill Lane and the right of way in views at the site access and along the lane to the eastern suite boundary.
- 6.6. In terms of character, the refurbishment of the POW buildings will retain heritage features and improve their appearance, allowing for the historic significance of the buildings as part of the previous POW camp to be retained. The refurbishment of the buildings will be beneficial to the character of the site when considered against their current condition. The visual amenity of this part of the site will also be improved over the current baseline conditions.
- 6.7. The site is currently surrounded by unsightly security fencing that has a negative impact on the openness of Mill Lane and the Green Belt. This fencing is required to deter vandalism that has been occurring, as trespassers regularly break into the site and cause damage to the buildings. The restoration of the site and a long-term viable use for the buildings is required for the fencing to be removed, which would be a benefit that will enhance the setting and openness of Mill Lane.
- 6.8. The changes to the scheme will retain the beneficial nature of the landscape and visual effects associated with the design and layout of development and measures for the retention and enhancement of landscape features. The massing and arrangement of new dwellings within the southern area are such that 3 single storey houses will be lost in the woodlands and this will remove almost all visual impacts as perceived from Mill Lane, and adjacent properties.
- 6.9. The refurbishment of the POW buildings, including the conversion of the water tower to a dwelling, will allow for benefits to the heritage assets and associations that were praised by the Inspector in the previous proposals. The refurbishment of the buildings to improve their condition and appearance and ensure their longevity will be characteristic to the site

and its former land use and will not appear incongruous as part of the redevelopment of the site.

- 6.10. Given that the existing POW camp buildings to be retained are of historic interest and are already present as part of the baseline, there will be no adverse landscape and visual effects associated with their retention within the revised proposals. The refurbishment of the buildings and incorporation into the proposals, alongside retained trees and green infrastructure is beneficial to the character and legibility of the historic development as a POW camp.

Location of development

- 6.11. As demonstrated by the Aerial Perspective of the proposals, the POW camp buildings towards the centre of the site (coloured brown on the image) retain a cluster of development in this location, with no proposed redevelopment to the south of the site compared to previous proposals. The new-build is on areas of PDL towards that west of the site that is surrounded by dense vegetation.
- 6.12. The revised application has focused the buildings on locations clearly developed within the camp. These positions were agreed with the council's heritage officer who responded that *"it is recommended that the villas are located to replace existing built form on the site, so proposed plots 1, 2 and 4 are likely to be acceptable"*. The plans were subsequently updated with plots 3, 4 and 7-11 removed. Plot 4 has now been renamed as plot 3 on the current plans.
- 6.13. As explored further below in relation to impacts on visual openness, the proposals continue to ensure that the openness of the Green Belt is retained through the removal of proposed development from Mill Lane and Stortford Road. The POW Camp buildings adjacent to Mill Lane are already present and therefore already influence the openness of the Green Belt, albeit in a highly localised extent in this location. Moving new development to the woodland site area has resulted in there being no impact on the visual openness when viewed from Mill Lane and adjacent properties.

Visual Openness

- 6.14. Building on the above, the effects on the visual openness of the Green Belt is considered below for the south (Area 1) and north (Area 2) of the site. As with the Green Belt Assessment, reference is made to the Revised Proposals.

Area 1 – Southern site area

- 6.15. As illustrated on the Landscape Strategy and Aerial Perspective and set out above when considering the area, volume, massing and height of development, the revised proposals are for 16 fewer new dwellings within the southern site area, an 86% reduction in the total number of dwellings. The reduced massing, lower ridge heights, looser development, and the location away from open areas adjacent to the southern and eastern boundaries along Mill Lane minimises the visual impact of the proposals as experienced by users of Mill Lane, including the site entrance.

- 6.16. The majority of the existing huts are 3.6 meters to ridge, with the water tower and Nissan hut notably taller than this. The 19 dwellings that were proposed by the appeal scheme were between 7.9m tall to 9m tall. The 3 dwellings now proposed are only 3.5 meters tall at their highest point a notable reduction equivalent to two thirds of the height of some of the dwellings proposed previously.
- 6.17. The 35-unit scheme removed the buildings to the northeast of Area 1, adjacent to Mill Lane and south of the property at Mill End to provide an area of open space and play area, set amongst the retained trees. The revised proposals retain and refurbish these buildings as per Scheme 2. As set out at Section 4 when reviewing the landscape and visual effects of the revised scheme, the retention of the buildings will preserve the historic value and interest of the buildings and reflect the former use and character of the site.
- 6.18. The visual openness of the site as seen from Mill Lane to the east of the site would not be improved as a result of the retained buildings, there would be no material or perceptual harm to openness as the buildings already form part of the baseline and their appearance would be dramatically improved through their refurbishment and use.
- 6.19. Removing all development to the woods and drastically reducing numbers in this site area would represent a position of no negative impact on the visual openness of the Green Belt caused by the three single storey dwellings.

Area 2 – Northern site area (Greenways Eggs)

- 6.20. This area doesn't not form part of this application. So no change is proposed to the 'transition' and visual permeability.
- 6.21. Considering the above factors for both the northern and southern site areas, the revised proposal would not result in a materially greater impact on the visual or perceptual openness of the Green Belt.

Degree of Activity Likely to be Generated

- 6.22. As required by the PPG, consideration is also given to the potential impacts that the proposals for the redevelopment of the site may have upon the degree of activity, including vehicle / traffic generation.
- 6.23. The redevelopment of the site for residential development will not remove the commercial activities associated with the use of the land by Greenways Eggs Ltd. The storage usage of Area 1 would cease however, so commercial movements would be replaced by residential ones here.
- 6.24. This represents an improvement, however small, to the Green Belt in relation to activities generated by the proposed development with there being less activity and fewer vehicle movements on the site as a whole.

Green Belt Conclusions

- 6.25. An earlier scheme for the redevelopment of the site for 35 dwellings was assessed by Tyler Grange within a Landscape and Appraisal (LVA) and Green Belt Assessment. These found that the proposals would provide a good contextual fit with the northern edge of Hatfield Heath, with the redevelopment of the site to incorporate sensitively designed high quality housing and reinforcement of landscape features and character of the area resulting in beneficial effects. The Green Belt Assessment found that there would be no greater overall impact on the openness of the Green Belt or the purpose of including land in it.
- 6.26. Proposals for the redevelopment of the site were amended to consider matters raised in relation to highways matters and the conservation interest of the site as a former World War II prisoner of war camp. The changes were agreed with the Council's Officers, with the revised proposals being presented to the Planning Committee of 5th February 2019 with recommendations for approval.
- 6.27. The Officers' report to committee identified that the proposals would not have a greater impact on the openness of the Green Belt than the existing development and were considered acceptable in terms of impact on Green Belt. The report supported the retention of a courtyard of the POW camp buildings and conversion of the water tower to enable their long-term preservation. On balance, the proposals were therefore considered appropriate by Officers.
- 6.28. The scheme was dismissed at appeal and the current much-reduced proposals have been put forward.
- 6.29. Since the submission of the application and preparation of the LVA and Green Belt Assessment, the NPPF and PPG have been updated. This includes clarification in the PPG on considering impacts of development on the openness of the Green Belt and the need to consider both spatial and visual aspects and take account of the degree of activity to be generated by the proposals.
- 6.30. The methodology employed by Tyler Grange took account of both volume and visual impacts when assessing impacts on the openness of the Green Belt, as well as the provision to improve openness. The assessment is therefore robust and compliant with the PPG guidance in considering openness. However, the 2017 Green Belt Assessment has not taken account of the degree of activity likely to be generated, including traffic generation, as set out in the PPG.
- 6.31. Changes associate with the revised proposals include the retention and refurbishment of the POW buildings towards the east of the site, adjacent to Mill Lane, and the resulting offsetting of the open space further into the site. The reduction in the number of proposed new dwellings has resulted in a lower density of development to the south of the site, with a varied edge and increased spaces between properties, incorporating planting to gardens and boundaries along Mill Lane.
- 6.32. The revised scheme proposal go further and removes the majority of all development from the open part of Area 1 and removes Area 2 from the application site. The scheme thus

better responds to the landscape, historic environment and Green Belt context, including the transition of development with no change to the north and no development surrounding the refurbished POW buildings within the southern site area; the new houses are all hidden in the woodland adjacent.

- 6.33. Tyler Grange have undertaken a review of the baseline conditions since the preparation of the LVA and Green Belt Assessment in 2017 and a review has been undertaken for this iteration of the statement. These found that:
- 6.34. The continued growth of hedgerows and trees to the site boundaries along Mill Lane provide increased containment and filter views into the site;
- 6.35. The buildings and huts associated with the prisoner of war camp to the south of the site including the water tower, canteen, shower block, etc. remain, along with areas of hardstanding. The condition of some of the buildings and structures continues to deteriorate due to vandalism and action is required very soon if there is to be a change of preserving these now locally listed structures.
- 6.36. The following table was provided at paragraph 5.18 of the Green Belt Assessment that supported the 26 dwelling appeal scheme and confirms the existing hardstanding and sqft vs proposed.

Comparison of Building Footprints

Site Areas	Existing (m ²)	Proposed (m ²)	Difference (m ²)
Area 1 – PDL	1640	2018	+378
Area 2 – Greenways Eggs Ltd	2349	1723	-626
Total for Site	3989	3741	-248

Comparison Areas of Hardstanding

Site Areas	Existing (m ²)	Proposed (m ²)	Difference (m ²)
Area 1 – PDL	3,593	3,586	-7
Area 2 – Greenways Eggs Ltd	4,436	2,068	-2,368
Total for Site	8,029	5,654	-2,375

- 6.37. The below table was provided as paragraph 5.24 of the same report and sets out the existing and proposed volume.

Site Areas	Existing (m ³)	Proposed (m ³)	Difference (m ³)
Area 1 – PDL	6,540.78	10,935.87	+4,395.09
Area 2 – Greenways Eggs Ltd	8,958.07	7,779.25	-1,178.82
Total for Site	15,498.85	18,715.12	+3,216.25

6.38. The below table shows the existing vs that proposed by this revised proposal that demolishes 12 existing dwellings and replaces them with three new dwellings. As shown, there is only a modest increase in the footprint and a significant reduction in the volume resulting from the proposed dwellings having flat roofs opposed to pitched ones which are more visually prominent.

	Existing	Proposed	Difference
Footprint m2	1,640.72	1,824.64	183.92
Volume m3	6,540.78	5848.37	- 692.41
Hardstanding m2	3,593.00	6,028.00	2,435.00

6.39. As shown above the appeal scheme proposed 19 two storey new dwellings in Area 1 that would increase the existing volume of built form by 4,395.09m³, whereas the current proposals for 3 single storey dwellings will see the volume reduce by 692.41m³. Meaning that the current proposals will result in 5,087.5m³ of less volume than the scheme previously dismissed at appeal.

6.40. The three new dwellings are located on previously developed land set back from Mill Lane, screened by existing vegetation and will result in a significant reduction to the volume on the site. Therefore, there will be no greater impact on the openness of the Green Belt than the existing development and it is therefore a form of development that is supported by NPPF Paragraph 154.

6.41. When reviewing the revised proposals against the findings of the LVA, this Statement has summarised that:

- The revised scheme omits development to the north of the site, so that there will be no change to the transition and characteristic settlement edge created at the interface with the wider countryside.
- The development to the south and west of the site has been focused away from the open areas of the site and confined to woodland clearings and the area west of Mill Lane adjacent to existing development.
- The proposals continue to retain existing trees and hedgerow along Mill Lane, as well as providing additional new hedgerow and tree planting to provide an enhanced landscape structure and filtering of development. The omission of housing along the majority of Mill Lane will preserve the openness of the site as perceived from the lane and right of way.
- The removal of the existing security fencing will further improve the openness as experienced from Mill Lane
- The significant reduction in the number of dwellings, greater separation between buildings and associated visual permeability, reduced massing and opportunities for landscape planting will serve to absorb the proposals into the landscape and create a soft edge to the development.

- The refurbishment of the POW buildings will retain these heritage features and improve their appearance, allowing for the historic significance of the buildings as part of the previous POW camp to be retained. The refurbishment of the buildings will be beneficial to the character of the site when considered against their current dilapidated condition. The visual amenity of this part of the site will also be improved over the current baseline conditions.

6.42. The associated beneficial landscape and visual effects as assessed by the LVA for this part of the site will continue to be delivered by the proposals.

6.43. The changes to the scheme will retain the beneficial nature of the landscape and visual effects associated with the design and layout of development and measures for the retention and enhancement of landscape features including historic buildings. The much-reduced massing and relocation of new dwellings within the southern area will reduce any visual impacts as perceived from Mill Lane, and adjacent properties through the greater visual permeability and reduced massing and numbers of new houses.

6.44. The re-assessment of the effects of the proposals on the openness of the Green Belt has found the following:

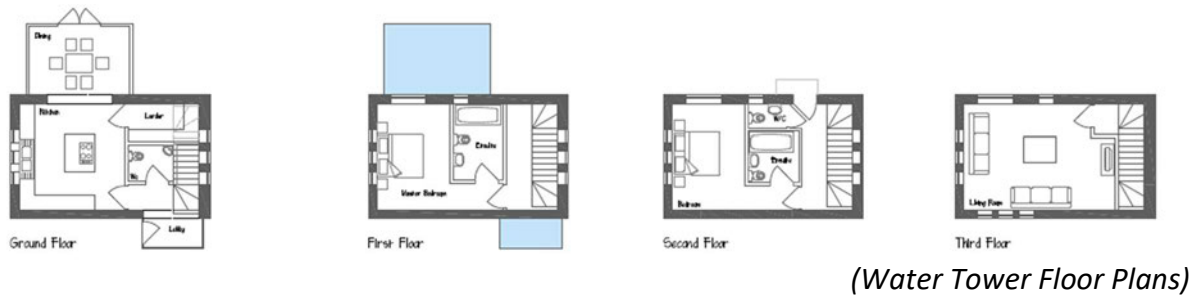
- The revised scheme to reduce the overall number of new dwellings from 19 two storey to 3 single storey, and the retention of 9 of the POW camp buildings will increase building footprint but will reduce the volume of the existing built form by 692.41m³ ensuring that there will be no greater impact on the openness of the Green Belt.
- The proposals continue to ensure that the openness of the Green Belt is retained through the setting back of development from the majority of Mill Lane and Stortford Road, into woodland clearings and the part of Mill Lane adjacent to existing development.
- Whilst the retention of the POW Camp buildings adjacent to Mill Lane has moved the open space provision within the site, these buildings are already present and therefore influence the openness of the Green Belt, albeit in a highly localised extent in this location. In addition, the reduced numbers and density of development within the southern site area has resulted in there being almost no impact on the visual openness when compared to the previous scheme when viewed from Mill Lane and adjacent properties.
- The proposals continue to respond to the Green Belt through the looser, lower density development that will be predominately single storey to reflect the existing height of buildings, with the only two storey elements located adjacent to existing two storey development south/ southeast of the site. The arrangement of the proposed new dwellings will allow visual permeability between buildings that are set in large plots, with views softened and filtered by new boundary tree and hedgerow planting. This will serve to almost eliminate any perception of development.

- To the south of the site, the retained buildings, including the water tower will provide a cluster of taller and higher density development at the centre of the site, preserving the existing historic character and form of development in this location.
- Through the reduction in proposed new houses across the site which will result in a reduced perception of mass and a smaller scale of development across the site. In combination with the omission of houses from the open areas of the south along Mill Lane and Stortford Road, this will retain the openness of the Green Belt as perceived by users of the land and local residents and almost eliminate the visual impact of the proposals as experienced by users of Mill Lane, including the site entrance. There would be no material or perceptual harm to the openness in this location.
- The existing buildings already form part of the baseline and their appearance would be improved through their refurbishment and use.
- The redevelopment of the site for residential development will have only a small reduction of commercial traffic activity relating to the cessation of storage use for Area 1. This constitutes a small improvement to the Green Belt in relation to activities.
- Considering the above factors for both the northern and southern site areas, the revised proposals would not result in a materially greater impact on the visual or perceptual openness of the Green Belt.

7. Design

Use & Amount

- 7.1. 3 x 4 bedroom single storey dwellings, and the restoration of 8 existing buildings that previously formed part of POW Camp 116 and conversion to form 5 x 1 bedroom and 3 x 2 bedroom holiday cottages and 1 x 2 bedroom dwelling.



Layout



(Site Plan)

- 7.2. The proposed site layout has been influenced by the historic layout of the POW encampment and the desire to preserve and enhance its significance. It is proposed to demolish the majority of the buildings to the west of the historic access road to the camp, with the exception of the water tower, which is in comparatively good condition. These buildings are of the least value as they have either been modified, relocated, removed or are in a particularly poor state of repair. The 1946 OS Plan on page 6 of the Heritage Assessment shows clearly how these buildings have changed. As such, these areas of PDL to the West of the road provide an appropriate and discrete location for new dwellings that will cross subsidise the restoration and conversion of the group of POW huts that are to be retained.
- 7.3. In regard to the retained buildings, these effectively dictate the finished site layout, and it is proposed to landscape the central area formed by these buildings to form a communal green so that the form and layout of the historic huts can be appreciated. Furthermore, the parking is to be interspersed within the trees predominantly on existing areas of hardstanding, so that it has minimal visual impact. For a similar reason no hardstanding is

proposed to the south of these buildings so that as one approaches up the access road that their historic form is apparent.

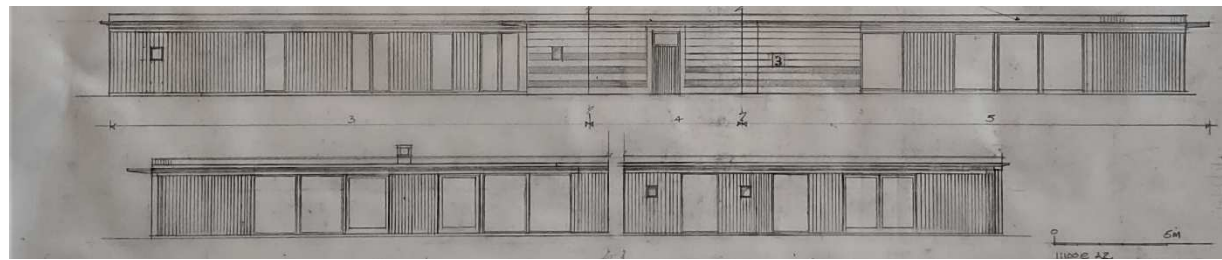
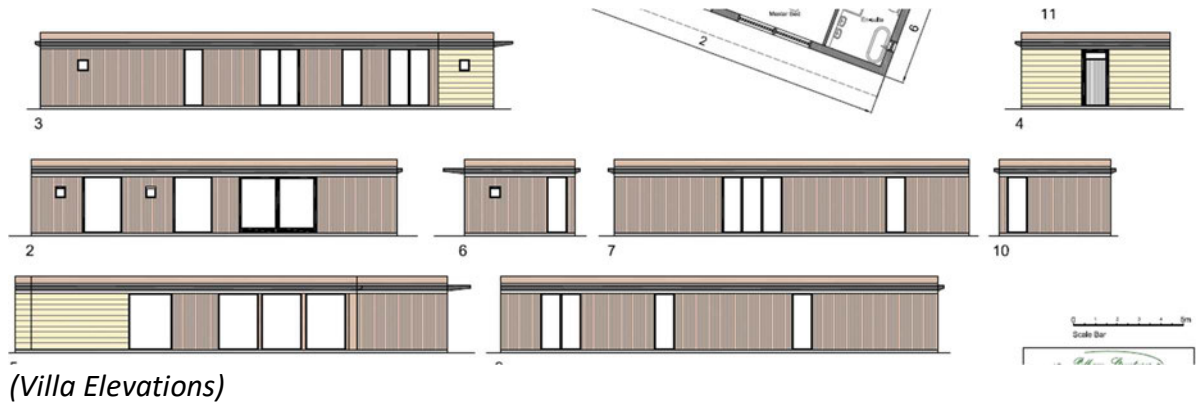
- 7.4. In line with the Inspector's comments about the openness along Mill Lane, it is not proposed to develop the area between the access to the camp and the lane itself, the area instead to be landscaped, thus protecting and enhancing the openness experienced by users of the lane.

Scale and Appearance

- 7.5. The three new dwellings are designed as contemporary single-storey 'villas'², that are characteristic of European woodland settings, some examples are provided below:.
- 7.6. The final designs take their cue from the simple geometric blocks of the camp. They will be constructed from timber, with glass inserts and green roofs to ensure they reflect their woodland setting, both 'beautiful' and eco-friendly. Furthermore, they will therefore be almost invisible from views outside of their own plot and will protect the openness experienced along Mill Lane.



² As in C20 usage – a house that is free-standing in a landscaped plot of ground, often wooded



7.7. The scale of the retained buildings is unchanged with the exception of the Water Tower that has a modest single storey extension to provide additional living space.



7.8. Again the appearance of the retained buildings has been shaped by their existing openings, which are proposed to be reused. It is proposed to insulate them internally as shown on CC 296/116-1 and to clad them in timber boarding to protect the ageing structures.

Landscaping

- 7.9. The existing trees and hedges along the boundaries and within the site will be retained to screen the buildings from wider views. The woodland area within the site will be retained and managed to improve its quality and enhance biodiversity. Furthermore, it is proposed to plant additional trees and native species hedging throughout the development to create a high-quality environment. This additional landscaping will be utilised to reinforce existing screening surrounding the four new proposed structures. It will also be used to soften the parking required for the retained structures and to create a central green area where the group of historic structures can be appreciated from. The final details of landscaping will be dealt with by condition but will follow the principles as set out on the master plans submitted with this application.

Access

- 7.10. Access is proposed via the existing entrance into the site from Mill Lane, which is in the same location as historically it would have been for the Camp. The existing access point onto Mill Lane will be upgraded to from a new simple priority junction using land within the highway and the applicant's control. These improvements have been agreed with Essex County Council and are shown on plan ITB11347-GA-012F

Construction

- 7.11. The Morton Partnership, who are engineers specialising in historic buildings, have assessed the buildings proposed to be retained and have set out in their report, dated 22 February 2019, how they can be retained and restored whilst preserving their external appearance. The addition of boarding to the concrete framed structures is thought to be appropriate as several buildings were originally boarded and the cladding will protect the increasingly fragile historic concrete frames.
- 7.12. A drawing has also been provided, CC 296/116-1 that shows how the roof, floors, and walls could be insulated internally to make the buildings weather tight and habitable.

8. The National Design Guide (NDG)

- 8.1. The National Design Guide (NDG) advises that the long-standing, fundamental principles for good design are that it is “fit for purpose; durable; and brings delight”. The design merits of the scheme are considered in detail below against the ten design characteristics set out in the NDG:

Context

- 8.2. The site is set within the North Essex countryside. The existing buildings read as a group of buildings, which to the more discerning individual can be appreciated as a former Prisoner of War Camp. The buildings are surrounded by a combination of open space and self-seeded trees. These create a sense of openness along Mill Lane. This application therefore proposes development that will enhance and preserve this relationship with Mill Lane and will conserve the non-designated heritage assets on the site in a way that can be appreciated by future generations.

Identity

- 8.3. The buildings on the site have a utilitarian character that is distinct from the neighbouring vernacular residential properties. The new structures in the heart of the site are therefore proposed as contemporary single storey units that will blend into the landscape and compliment the form of the existing buildings on the site. The refurbishment and conversion of the existing structures preserves the original aesthetics of the structures so that their identity as former Prisoner of War structure can be appreciated.

Movement

- 8.4. As noted above access will be provided onto Mill Lane via a simple priority junction. The 12 dwellings will produce a minimal amount of additional traffic and the nature of holiday cottages is that they produce an insignificant amount of peak hour traffic. A detailed transport assessment is submitted with this application and confirms that any impact on the highway network resulting from the proposed development will be negligible and is acceptable in highways terms.

Nature

- 8.5. The application is supported by an ecology survey report which confirms that no protected species have been identified on the site. The proposals offer an opportunity to enhance the biodiversity of the site and improve the planting.

Public Spaces

- 8.6. The main ‘public space’ is the Village Green and the recreation ground in the centre of the village, which would be unaffected by the proposals.

Uses

- 8.7. 3 new build dwellings, one conversion dwelling and 8 conversion holiday cottages are proposed.

Homes and buildings

- 8.8. The proposals will create a high-quality design and sustainably built properties that will enhance the existing building stock in the area.

Resources

- 8.9. The existing structures are to be retained preserving their embodied energy, and they will be insulated to minimise energy consumption during their lifespan. However, it is acknowledged that they will not achieve the EPC ratings of a new build.
- 8.10. Where possible the demolished buildings will be used to create crush that can be utilised on site, minimising lorry movements and recycling the material.
- 8.11. The proposed new dwellings are to be built out of a prefabricated timber frame that is both sustainably sourced and will be more energy efficient to run than a traditional build and the conversions proposed under the extant permissions.

Lifespan

- 8.12. The proposed houses will be built to the highest standards, and will have a significant lifespan. The refurbishment of the existing structures will significantly extend their lifespan as without work it is likely that they would all rapidly fall into disrepair.

Summary

- 8.13. Careful consideration has been given to factors such as layout, form, scale, appearance, landscape, materials, and detailing, all informed by an assessment of the surrounding context, local character, and identity.

9. Principle of development

Development in the Green Belt

- 9.1. The site is located within the green belt. Policy S6- Metropolitan Green Belt of the ULP is limited in its scope and is consequentially inconsistent with the NPPF in consideration of the site's previously developed status.
- 9.2. The policy support for new build dwellings and the conversion units comes from two different parts of the NPPF.
- 9.3. In relation to the three new build units NPPF Paragraph 154 states that:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green belt. Exceptions to this are:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

- 9.4. As noted above the 3 new build dwellings are located on previously developed land, see paragraph 10 of the previous appeal decision, and replace 12 no existing structures to be demolished on the site. They therefore trigger the exception set out at NPPF 154 g). As set out above there is a reduction in the volume of built form on the site, meaning there is no greater impact on the openness of the Green Belt than the existing development, and they are therefore by definition not 'inappropriate development'.
- 9.5. The Bromley Common appeal decision³ gives consideration to openness and the acceptability of proposed redevelopment on PDL in the Green Belt that is situated on the build edge of a settlement.
- 9.6. John Turner vs SSCLG⁴ has ruled that visual impact can be taken into account in assessing, for the purpose of the National Planning Policy Framework paragraph 89 (now 150), the extent to which a proposed development had an impact on the openness of the Green Belt.
- 9.7. Lord Justice Floyd goes on at paragraph 15 to consider how the visual dimension of the Green Belt is inherent in its wider function and purposes, including checking urban sprawl and safeguarding the countryside from encroachment.

³ APP/G5180/W/15/3129314,

⁴ John Turner v SSCLG and East Dorset Council, Case No C1/2015/3507

- 9.8. Taking account of the policy, guidance and above referenced case law the Green Belt Assessment has considered in detail the contribution that the site makes to the Green Belt Purposes, and this has been combined with the findings of the Inspector to shape the proposals subject of this application.
- 9.9. The location of the proposed new single storey dwellings to the west of the access road, set on previously development land within clusters of existing vegetation, will maintain the openness of the site and will *“not have a greater impact on the openness of the Green Belt than the existing development”*.
- 9.10. The existing volume of built form on the site is 6,540.78m³. The previous appeal scheme proposed to increase this to 10,935.87m³, which was a 67% increase in volume. The current scheme proposes to reduce the total volume of built form to 5848.37m³, which is a 10.5% reduction in volume from the existing buildings, which is significantly less built form.
- 9.11. The proposed development therefore seeks to preserve and enhance the openness along Mill Lane.
- 9.12. The policy support for the conversion of the 8 retained POW buildings comes from NPPF Paragraph 155 d), which states that
- “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;”*
- 9.13. The buildings proposed for change of use have existed on the site since the early 1940s and have therefore been in existence for circa 80 years. They are of masonry construction and on concrete foundations. They are very much permanent and substantial structures, and inline with Paragraph 155 d) their re-use is not ‘inappropriate development’ within the green belt.
- 9.14. Therefore, because the proposal is not inappropriate development the very special circumstances test at NPPF Paragraph 147 is not applied.
- 9.15. The countryside is defined by Policy S7- “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 within the greenbelt and therefore this policy is not applicable.
- 9.16. The buildings to the north of the site that also historically formed part of the POW camp is currently in use by Greenways Eggs Ltd, which packages and distributes eggs to the wholesale trade, supplying businesses from small local trading establishments to large outlets throughout London and the Home Counties.
- 9.17. The Greenways Eggs site provides a buffer between the site and the open countryside beyond, which screens the proposed development from wider views.

- 9.18. The picture below shows the view from the open countryside towards the site, the top of the four-storey water tower is just visible in this view, but all of the other buildings cannot be seen because of the Greenways buildings and vegetation that exists between the two.



Figure 2: Existing view towards site from open countryside

Historic Environment

- 9.19. Paragraph 200 of the NPPF requires planning applications to be accompanied by information to describe the significance of any heritage asset, including its setting, that may be affected by a proposed development. The level of detail shall be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 9.20. This application is accompanied by an archaeological desk-based assessment (DBA) and a heritage assessment, which has considered the impacts of the development on former POW Camp 116 in detail. The site is not designated, and the heritage assessment concludes that it does not warrant designation in its own right. However, it is acknowledged that the site is of value to local residents and the proposal has been shaped by discussions with the Council's Conservation Officer, who has also provided formal comments and concludes that:
- "Whilst the loss of the wider camp and associated structures would be considered to cause substantial harm to the significance of an important C20th heritage asset, and a good surviving example of a finite resource, it appears unlikely that funding for the repair and maintenance of the structure would be forthcoming without an associated development to facilitate this, as such **I accept that a degree of development is necessary on the site. I also accept that the construction of 26 new dwellings, including conversion of the water tower would, not only represent a sizeable public benefit but also result in a viable use for the structures that are to be retained and converted; thereby increasing the likelihood that they will be preserved and maintained in the future...**"*
- 9.21. As set out above, the Inspector accepted that there was a benefit to restoring the non-designated heritage assets and that *"It is unclear how the buildings scheduled to be retained would be refurbished without some form of cross subsidy from new development and therefore this is potentially a benefit"*⁵. However, he considered that the harm arising from the scale of demolition and the appearance and scale of the proposed new builds to outweigh these benefits and therefore dismissed the appeal accordingly. The Greenways site has therefore been removed from the application in its entirety and that represents a significant proportion of the original camp. Furthermore, the number of proposed new dwellings has been reduced to only 3 from 19 on Area 1, with the proposed holiday cottage use for the existing buildings providing an improved use over those proposed in the previous appeal, which subsequently reduces the amount of cross subsidy required.
- 9.22. It is therefore considered that the proposal will have a heritage benefit by restoring and preserving an important and rapidly deteriorating part of this non-designated heritage site, allowing public access for this and future generations which has historically not been available.

⁵ Para 22 APP/C1570/W/19/3236047

Transport and access

- 9.23. Policy GEN1- Access of the ULP requires that the developments satisfy five criteria which deal with the need for the proposals to ensure the safety of a range of road uses and the capacity of the surrounding transport network to accommodate the development. Vehicle parking standards are covered by policy GEN8 of the ULP.
- 9.24. The Transport Assessment submitted in support of the planning application addresses the local and national policies applicable to transport and access and concludes that:

“To conclude, the proposal is acceptable in transport and highways terms and the proposed development is in line the NPPF, ECC Policies and the UDC Local Plan in respect of transport. Highway safety and efficiency are very important matters and do need to be taken seriously. However, it is clear from the unambiguous NPPF transport test that development should only be prevented from coming forward if there would be a demonstrable, unacceptable and severe worsening of highway conditions. In summary, this situation is:

- *The recent recorded personal injury accident data shows an unblemished accident record on Mill Lane and its junction with the A1060 Stortford Road;*
- *development proposal will not materially impact upon the operation of Mill Lane or its junction with the Stortford Road - modelling in the Transport Statement shows the impact will be de minimis;*
- *There are no deficiencies in geometric layout or visibility at the site access or in Mill Lane which could give rise to conflict between vehicles, or between vehicles and pedestrians and vehicles and other non-motorised users;*

There will not be a noticeable, let alone severe, residual highway impact and thus there is no highways or transport reason to prevent the development coming forward.”

- 9.25. A series of improvements to Mill Lane, as shown on plan ITB11347-GA-012F, have been agreed with Essex County Council Highways Authority, and they have confirmed that they have no objection to the development in their letter dated 6th October 2023.

Drainage

- 9.26. The scheme is submitted with a SuDS compliant scheme, which is accepted by the Lead Flood Authority and the proposal therefore accords with policy GEN3- Flood Protection and the relevant elements of the NPPF.
- 9.27. In relation to foul water disposal a public sewer has been identified in Mill Lane. Thames Water has been consulted and confirm there is capacity to accept a pumped discharge from the site.

Green Infrastructure

- 9.28. Paragraph 180 of the NPPF states that “The planning system should contribute to and enhance the natural and local environment by:

“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”

- 9.29. Paragraph 181 of the NPPF states, development plan documents “should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.”
- 9.30. Green infrastructure elements of the proposals, including the presence of protected species and/or habitats suitable for protected species have been assessed. Trees and landscape features on and adjacent to the site have also been assessed and the conclusions and recommendations of these assessments have influenced the layout and design of the proposals.
- 9.31. The previous application was accompanied inter alia by a ‘Preliminary Ecological Assessment’, ‘Assessment for Bats with Recommendations for Enhancements’ and an ‘Arboricultural Implications Assessment and Preliminary Method Statement’. These reports demonstrate that the planning application is in accordance with policy GEN7 – Nature Conservation and policy ENV8 – Other Landscape Elements of Importance for Nature Conservation of the ULP and the relevant sections of the NPPF. An ecology verification report has been prepared by Hopkins Ecology and supports this applications. This concludes

“The on-Site and boundary habitats and vegetation are broadly unchanged from that described in the EclA. The species surveys and scoping likewise is considered to be unchanged from the EclA”

Design considerations

- 9.32. Section 12 of the NPPF sets out the government’s desire to achieve well-designed places. Paragraph 126 states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

- 9.33. The approach to the evolution of the layout and design of the proposals emphasises Pelham Structures’ and the landowner’s high regard to this tenet of good planning. Pelham Structures have a reputation for delivering high quality schemes. If planning permission is granted the intention is to work in partnership with City & Country, the country’s leading heritage developer to bring forward the project ensuring both the new build and restorations are of the highest quality.
- 9.34. The reports submitted in support of the planning application demonstrate that the proposals have considered the context, features and integration of the proposals on-site, immediately adjacent to the site and as part of the wider area.
- 9.35. ULP policy GEN2 – Design, sets out criteria that development should address in the design of the proposals.
- 9.36. Criterion a) deals with the compatibility of scale, form, layout appearance and materials of surrounding buildings. The proposed houses are based on the site vernacular and will be a construct of simple geometric blocks as displayed in the original modular installation of the 1940s. It will, however, use the highest quality materials to ensure its sustainability. As set out above the design and layout has been shaped by the LVA, Green Belt Assessment, the Council’s Conservation Officers, the Heritage Assessment and the previous Inspectors comments, with the result as sensitively designed scheme that is in proportion with the surrounding buildings and is compatible with their scale and form.
- 9.37. Criterion b) identifies the need to safeguard important environmental features. The site contains a number of natural features in the form of trees, hedgerows and ditches and such features were inter alia mapped and assessed prior to the layout and design of the proposals being evolved. The Arboriculture Implications Assessment and Preliminary Method Statement and the Preliminary Ecological Assessment describe the various features on site and the design rationale is set out above.
- 9.38. Criteria c), d), e), f), g), h) and i) deal with design and construction and these are covered above in line with the National Design Guide.

10. Planning Balance

- 10.1. Paragraph 8 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. The following sets out how this application meets those objectives:

Economic

- 10.2. The proposed development will promote the economic dimension by boosting the supply of housing land in the District. The proposed development will provide 4 new homes and 8 holiday cottages in a highly accessible and sustainable location, within Hatfield Heath. Future occupiers of the new homes will likely spend within the local economy, which in turn, will support local business and enhance the overall vitality of the village and surrounding settlements.
- 10.3. Pelham Structures is a local house builder who use local contractors. As such, the development will provide an opportunity for a number of local businesses to tender their services during the construction period of the scheme, thereby supporting and creating jobs.
- 10.4. The proposed development will also provide financial benefits, in the form of the New Homes Bonus, which is payable to UDC by Central Government. This will provide a significant fund that can be used in accordance with local priorities, which aid in the economic development of the District. The proposed development will also make significant contributions to education and health provision in the District which can be reinvested by the Council to support local services.

Social

- 10.5. The social role will be promoted by providing a mixture of market housing and holiday cottages to boost the supply of new homes and support tourism in the area. As the principal aim of the development is to provide the non- designated heritage assets with a long term viable use it is not practical or viable to provide affordable housing on site.
- 10.6. The proposal will also see 8 former WWII POW buildings renovated and converted to holiday cottages providing them with a long-term viable use so that they can be enjoyed by this and future generations. One of the buildings with a Mural of local value will be made open to the public on select days a year, which is a significant public benefit as there is currently no public access to the site and without restoration these buildings will be lost forever.
- 10.7. New residents and visitors will be likely to engage with local clubs and societies, helping to support them and sustain them, adding to social cohesion in the village.

Environmental

- 10.8. As mentioned above and set out within the supporting documents one of the principal aims of the scheme to improve the appearance of the site within the Green Belt protecting and enhancing the sense of openness along Mill Lane.
- 10.9. The site currently consists of a large amount of self-seeded woodland, which is unmanaged. As part of this proposal the woodland will be put under a management regime that will have ecological benefits, as set out in the Ecology Impact Assessment submitted with this application.
- 10.10. The new houses will be constructed to Energy Rating A, meaning their energy consumption will be minimal. The refurbished buildings will be insulated internally to minimise their energy usage.
- 10.11. The proposal will also provide a development in a location whereby the future residents and tourists will not be solely reliant upon the use of the private car by virtue of the site's close proximity to local services and facilities. Hatfield Heath is identified in the withdrawn Draft Local Plan as one of only seven 'Key Villages', where development is to be encouraged.

11. Summary

- 11.1. In line with the NPPF, Planning Permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the key harm that could be attributed to the development of the site is the impact of development on the Green Belt and the conservation of the non-designated heritage assets on site. In this respect, the Green Belt Review, the LVA and this statement have concluded that the proposal is suitably designed with regard to the role of the site within the Green Belt and will provide 3 sensitively designed single storey dwellings will enable the restoration of 8 POW buildings. Therefore, overall, it is considered that the positive benefits of the scheme in economic and social terms, significantly outweigh the minimal disbenefits of the proposed development. The proposals are therefore considered to fully accord with the NPPF.
- 11.2. The proposed site is a suitable location for growth, as emphasised by the village's identification as a Larger Village in the emerging local plan. The site will make a meaningful contribution towards UDC's 5-year housing land supply and objectively assessed market housing needs, on a brownfield site, as is encouraged by the NPPF, NPPG and recent White Paper.
- 11.3. Therefore, in the absence of other material considerations, which would warrant the refusal of planning application and taking all of the submissions in this revised application into account, this proposal demonstrates compliance with national and local planning policy, and the grant of permission is anticipated.

12. Conclusions

- 12.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. These other considerations may be wide-ranging, and all are to be weighed in the planning balance.
- 12.2. Although the site is within the green belt a large part of it is categorised as “*previously developed land*”. The National Planning Policy Framework (NPPF) treats such land differently in relation to consideration of what constitutes inappropriate development in the green belt. Principally, the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, are exceptions to the presumption against development in the green belt. An important element of the planning application is to demonstrate that the proposed single storey development would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development. As set out above the volume of buildings on the site is proposed to be reduced and focused in more discrete locations away from Mill Lane.
- 12.3. Policy S6- Metropolitan Green Belt of the ULP is limited in its scope and is consequentially inconsistent with the NPPF in consideration of the site’s previously developed status. Weighing heavily in favour of the proposal are the following factors:
- The site is sustainable located in a ‘Larger Village’ as defined in the emerging local plan, where development is encouraged;
 - The site has been promoted through the Call for Sites and was considered to be suitable for development and well related to the village;
 - Pre-app has been undertaken, which supported the principle of development;
 - The site is previously developed land;
 - The Council has failed the Housing Delivery Test 2022 and as such paragraph 11 and Footnote 8 of the NPPF are engaged: that for decision- taking, the presumption in favour of sustainable development this means “*where there are no relevant development plan policies, or the policies which are most important for deeming the application are out of date*” **approving** development proposals unless any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits. It is clear from the above assessment that no such harm would arise, and certainly no significant harm that would outweigh the benefits of improving the character of the area, providing much-needed market housing and the renovation of 8 former WWII POW buildings that are of local value into holiday cottages that will support local tourism;

- The previous application was submitted with a Landscape and Visual Impact Assessment and a Greenbelt Assessment that have influenced the design of the scheme as set out above.
- a design which integrates new homes within the context of “openness” of green belt;
- a place which has the retention of veteran trees and enhancement of the site’s ecological biodiversity as a key principle;
- a design which respects the character of the village and surrounding buildings, both in terms of space between and around properties and the style of the homes;
- a surface water drainage strategy which re-engineers the existing ditches to ensure an adequate and acceptable solution to surface water run-off and a system which can be maintained.

12.4. The compliance of the proposals with up-to-date and relevant policies is compelling and the application, therefore, benefits from the presumption in favour of planning permission as detailed in Section 38(6) of the Act.

12.5. UDC is required by government to consider the documentation submitted and are respectfully requested to grant planning permission in accordance with the presumptions in favour of development where it complies with up-to-date policy and delivers sustainable development in accordance with the NPPF.