

## UTTLESFORD DISTRICT COUNCIL

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The Planning Inspectorate  
 Room 3/J Kite Wing,  
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 Temple Quay,  
 Bristol,  
 BS1 6PN

27<sup>th</sup> February 2024

Your ref: S62A/2023/0030

Our ref: UTT/23/3113/PINS

Please ask for Chris Tyler [REDACTED]  
 [REDACTED]

Dear Major Case Work Team,

### **Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (as amended).**

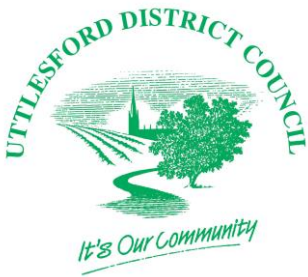
**Consultation on S62A/2023/0030 - Outline application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure**

### **Land to West Of The Cricketers, Clatterbury Lane, Clavering**

Thank you for your letter of 20<sup>th</sup> February 2024 which included the applicant's comments in regards to the Council's consultation response (8<sup>th</sup> February 2024). Please find the following comments, I have set these out with the relevant points they have been raised by the applicant.

First I provide the following planning history to provide some clarity to how the Council's consultation response was made.

Planning Application	Site	Proposal	Recommendation	Decision	Appeal Status
UTT/20/1628/OP	Land To The North Of Eldridge Close Clavering	9 dwellings	Refuse	Refused	Dismissed
UTT/22/1578/OP	Land To The North Of Eldridge Close Clavering	32 dwellings	Approve	Refused, overturned by planning committee	Valid appeal, undecided.
UTT/23/2616/PINS	Land To The North Of Eldridge Close Clavering	28 dwellings	Objection	S62a – undecided	N/A



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***The Officer's report for UTT/23/2616/PINS makes specific reference to Paragraph 79 of the NPPF, which promotes sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services.***

***The Officers report recognises the conflict with ULP Policy S7, however taking into consideration the Inspectors report in a more recent appeal decision, under application ref: Applicants response to the statutory consultee comments made under reference: S62A/2023/0030 (Land to the West of Clatterbury Lane, Clavering).***

***UTT/20/1628/OP, which considered the location of the proposal to be in accordance with paragraph 79 of the NPPF, it was found that the sites location adjacent the built up area of Clavering ensures it is consistent with Paragraph 79 of the NPPF.***

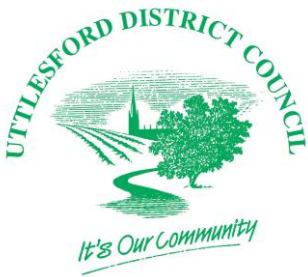
***This is not referenced within the report under the 'Location & Principle of Housing' section for Land to the West of Clatterbury Lane, Clavering (Ref: UTT/23/3113/PINS).***

The case officer's committee report for application UTT/23/2616/PINS (S62A/2023/0025) made a consistent assessment to planning application UTT/20/1628/OP and UTT/22/1578/OP. However it is noted the recommendation of approval of planning application UTT/22/1578/OP was overturned and subsequently refused.

It is also noted the planning committee considered the proposal set out in UTT/23/2616/PINS (S62A/2023/0025) did not overcome the refusal reasons in application UTT/22/1578/OP.

***The Officer's report for UTT/23/2616/PINS references appeal decision UTT/20/1628/OP, with specific regard to transport, wherein it noted in the Inspectors report that, probably most ,journeys by future residents, are likely to be by private vehicle, however, journeys to more local facilities and services would be relatively short and provision can be made to encourage the use of more sustainable vehicles, walking and cycling.***

***There is no reference to the Inspectors comments within the officer's report for the Land to the West of Clatterbury Lane, making reference instead to the committee's consideration towards application- UTT/23/2616/PINS (Land to the north of Eldridge***



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***Close). It is further noted that the local planning authority in their comments have not referenced the same conclusion, as detailed below, suggesting they are satisfied that the use of motor vehicles in this location is acceptable, which I note is further away from the local services and amenities offered by the Land to the West of Clatterbury Lane, Clavering.***

As explained above, the case officer's committee report for application UTT/23/2616/PINS (S62A/2023/0025) made a consistent assessment to planning application UTT/22/1578/OP. However it is noted the recommendation of approval of planning application UTT/22/1578/OP was overturned and subsequently refused.

It is also noted the planning committee considered the proposal set out in UTT/23/2616/PINS (S62A/2023/0025) did not overcome the refusal reasons in application UTT/22/1578/OP.

The committee report for UTT/22/1578/OP and UTT/23/2616/PINS do not represent the planning committee's actual decision or consultation comments for this current application. Due consideration should be made to the actual refusal reasons and consultation response of these applications.

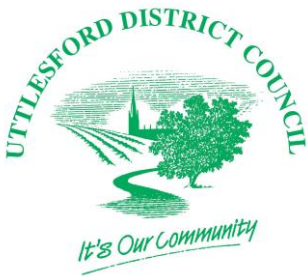
In regards to the assessment of this current proposal, although the council did not reference to appeal APP/C1570/W/21/3267624, the Council's assessment of the current application took a consistent approach to refusal reasons of UTT/22/1578/OP and consultation response for UTT/23/2616/PINS.

***To further reinforce the point with regards sustainability we would like to inform the inspector that there have been recent applications approved to the northern extent of the village and Uttlesford District Council's Officer's report for the site to the north of Eldridge Close (UTT/22/1578/OP), was not refused on sustainability grounds***

Although the details of these applications are not specifically referenced, as such I can only assume these smaller development may be infill plots. UDC Local Plan Policy paragraph 6.14 considers infilling development outside development limits and advises:

*"There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development"*

I suggest these smaller development were considered infill development and the quantum of these smaller site were considered not to generate significant reliance on car / vehicle movements and to be consistent with the relevant local plan policy.



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***Additionally, as set out within the submission documents the application for Land to the west of Clatterbury Lane proposes to increase the sustainability of the site by providing a new footpath connection on the western side of Clatterbury Lane as well as additional crossing points in the necessary locations. These enhancement will benefit both the future occupants of the development and existing Clavering residents.***

Although these details were not set specifically addressed in the committee report these elements were included on then submitted plans and assessed accordingly. Although these element of the development are positive it is not considered these outweigh the concerns raised by the Council.

### **Loss of the agricultural land**

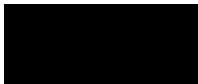
***Within the Officer's report for Land to the West of Clatterbury Lane the local planning authority considered the loss of agricultural land as a 'moderate negative effect' whereas for the Land to the North of Eldridge Close the officers report advised the loss would have a 'limited negative effect'. Again, this clearly highlight inconsistencies within the assessments made by the local planning authority***

As explained above, the committee report for UTT/22/1578/OP and UTT/23/2616/PINS do not represent the planning committee's actual decision or consultation comments for this current application. The Council's consideration of these matters are set out in the actual refusal reasons of UTT/22/1578/OP and consultation response for UTT/23/2616/PINS, I attach these for your reference.

### **Summary**

I hope this provide some further clarification on these matters, please feel free to contact me if you have any further questions.

Yours Sincerely



Chris Tyler  
Senior Planning Officer