



UTTLESFORD DISTRICT COUNCIL

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Dated: 11 August 2023

Andrew Martin - Planning
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CM6 3SN

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/22/1578/OP
Applicant: Mr David Rich-Jones

Uttlesford District Council **Refuses Permission** for:

Outline planning application with all matters reserved except access for up to 32 dwellings including public open space, sustainable drainable systems, landscaping and associated infrastructure and associated development. at Land To The North Of Eldridge Close Clavering Essex

The refused plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
18/17/01 B	Location Plan	16/06/2022
18/17/05	Block Plan	16/06/2022
18/17/12	Other	16/06/2022
WEST BOUNDARY	Other	20/10/2022
TREEPLAN 18/7/11	Other	31/01/2023
18/17/11 B	Block Plan	19/10/2022

Permission is refused for the following reasons:

- 1 The proposal introduces a sizeable residential development to an area of open countryside. The development would appear out of character with the site and street scene within Clavering, and therefore and be harmful to the rural character of the area.

The development would not be appropriate in the rural area and there are no justifiable reasons as to why the development, in the form proposed, needs to take place there. As such the proposals are contrary to Uttlesford Local Plan Policies S7, GEN2 (adopted 2005) and the NPPF.

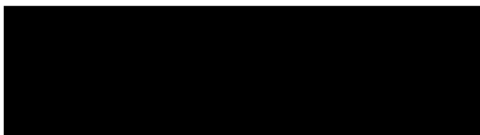
- 2 The proposals by reason of its inappropriate size and scale would amount to the significant loss to best and most versatile ('BMV') agricultural land contrary to Policy ENV5 of the Uttlesford District Council Adopted Local Plan and Paragraph 174(b) of the National Planning Policy Framework.
- 3 The application does not include a mechanism such as a S106 legal agreement to secure;
 - i. 40% Affordable Housing,
 - ii. 25% of Affordable housing being First Homes
 - iii. ECC Education Contribution,
 - iv. Provision and management of Public Open Space,
 - v. Pay the Council's reasonable legal costs,
 - vi. Pay the monitoring fee,

As such the proposal is contrary to Policies H9 and GEN6 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
S7 - The Countryside	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
NPPF4 - National Planning Policy Framework July 2021		
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

H9 - Affordable Housing	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H10 - Housing Mix	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV1 - Design of development within Conservation Areas	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV4 - Ancient Monuments and Site of Archaeological Importance	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV5 - Protection of agricultural land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV11 - Noise generators	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV12 - Groundwater protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
EDG - Essex Design Guide	Essex Design Guide	



**Dean Hermitage
Director Planning**

Notes:

- 1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within the timescales listed below:

For Householder Appeals - within 12 weeks of the date of the decision notice

For Minor Commercial Appeals - within 12 weeks of the date of the decision notice

For Advertisement Appeals - within 8 weeks of the date of the decision notice

For all other appeal types - within 6 months of the date of the decision

Notwithstanding the above, if the planning application relates to the same (or substantially the same) land and development as is already the subject of an enforcement notice the appeal must be made within 28 days of the date of this notice and not the period set out above.

If an enforcement notice is served relating to the same (or substantially the same) land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within the relevant period set out above, from the date of this notice, whichever period expires earlier.

Appeals can be made online at:

Householder (HHF) - <https://www.gov.uk/appeal-householder-planning-decision>

FULL - <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by public inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

