



Decision Notice and Statement of Reasons

Site visit made on 12 February 2024

By S Hunt BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 5 March 2024

Application Reference: S62A/2023/0028

Site address: Land off Chelmsford Road, Hartford End, Chelmsford, Essex

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Uttlesford District Council.
 - The application dated 1 November 2023 is made by Stockplace Investments Ltd and was validated on 5 December 2023.
 - The development proposed is Construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access.
-

Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) Having regard to its countryside location and accessibility, the site is not a suitable location for the proposed residential development contrary to Uttlesford Local Plan (2005) (ULP) policies S7 and GEN1 (e), Felsted Neighbourhood Plan (FNP) policy FEL/HN5, and paragraph 109 of the National Planning Policy Framework (the Framework).
 - 2) The location and scale of the proposed residential development would result in significant landscape and visual harm to the established character and appearance of the existing site and surrounding area and would result in coalescence within the hamlet of Hartford End, contrary to policies S7 and GEN2 of the ULP and FNP policies FEL/ICH1, FEL/ICH4 and FEL/CW1 and section 12 of the Framework.
 - 3) It has not been demonstrated that safe and suitable access for vehicles and pedestrians onto the B1417 Chelmsford Road could be achieved without detriment to the environment or secured within land in the Applicant's control, contrary to ULP policy GEN1 and paragraphs 108, 114 and 116 of the Framework.
 - 4) Insufficient information has been submitted to establish whether the wastewater from the proposals can be suitably and sustainably drained to a non-mains drainage system without unacceptable levels of water pollution, contrary to ULP policies ENV12, GEN3 and paragraph 170 and 180 e) of the Framework.

Statement of Reasons

Procedural Matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Uttlesford District Council (UDC) have been designated for major applications since February 2022.
3. Following screening by the Planning Inspectorate under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), it was found that the proposed development would not be of a scale or nature likely to give rise to significant adverse effects. Therefore an Environmental Impact Assessment was not required and I am satisfied that the requirements of the Regulations have been complied with.
4. Consultation was undertaken on 8 December 2023 which allowed for responses by 12 January 2024. Responses were received from the parties listed in Appendix 1 of this statement. A number of interested parties and local residents also submitted responses.
5. UDC submitted an officer report and minutes following a planning committee meeting on 10 January 2024. The consultation response of 11 January summarises these documents and sets out other comments raised by the committee. It confirms the Council's objections to the proposed development.
6. Some of the consultation responses raised issues that required further information and/or revised plans. These include responses from Essex County Council (ECC) Highways and the Environment Agency. Having regard to the Wheatcroft Principles, and given that the matters related to technical matters capable of being resolved in a timely manner, I accepted additional plans and information dated 30 January 2024. The information was in response to the specific comments raised by ECC Highways and the Environment Agency, and a targeted re-consultation of the relevant consultees only was carried out.
7. I accepted submission of a Unilateral Undertaking (UU) dated 21 February 2024 under Section 106 (s106) of the Town and Country Planning Act 1990. This includes a number of obligations including: contributions to primary and secondary education and school transport; library services contribution; public open space provision and maintenance; healthcare contribution; 40% on-site provision of affordable housing; an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) contribution; provision and maintenance of biodiversity enhancement works; a bus provision contribution, provision of two bus stops and a residential travel information pack.
8. I carried out an unaccompanied site visit on the morning of 12 February 2024, from public land and highways only. I considered an accompanied site visit to be unnecessary as the site is readily visible from public viewpoints. I was also able to view the local area around Hartford End

including the recent development at Ridley Green (the former Ridley brewery site) and more established housing, as well as nearby heritage assets, roads and public rights of way. The public right of way which runs to the south of Ridley Green was inaccessible at the time of my visit as the River Chelmer was in flood.

9. In determining this application, the Planning Inspectorate has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In doing so, the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time, gave clear deadlines for submissions and responses, and accepted additional information submitted by the applicant in response to limited matters raised during consultation.
10. I have taken account of all written and oral representations in reaching my decision.

Main Issues

11. Having regard to the application, the consultation responses, comments from interested parties, the Council's report and Committee resolution, together with what I saw on site the main issues for this application are:
 - the location of the development, having regard to the development strategy in the development plan and its accessibility to services;
 - the effects of the proposed development on the character and appearance of the area, including coalescence;
 - the effects of the development on the significance of designated and non-designated heritage assets;
 - whether safe and suitable access to the site can be provided;
 - whether adequate information in respect of drainage has been provided; and
 - effects on biodiversity and European sites.

Reasons

Policy Background

12. Uttlesford Local Plan (ULP) was adopted in 2005. The site also lies within the area of the Felsted Neighbourhood Plan (FNP) which was made in 2020. Together, both plans form part of the Development Plan for this area. The policies maps for both the ULP and FNP Policy indicate that the hamlet of Hartford End does not have any development limits.
13. A new Local Plan for Uttlesford is being prepared. Regulation 18 consultation on the draft plan took place in November and December 2023. and is at the Preferred Option consultation stage. The draft ULP does not include Hartford End in its draft settlement hierarchy. Given the draft ULP is at an early stage of preparation it attracts negligible weight in the determination of this application.

14. The National Planning Policy Framework (the Framework) was updated in December 2023 and the parties were given an opportunity to comment. The central aim of the Framework is to achieve sustainable development.
15. For decision making, the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c). Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, which for applications for housing is where the Local Planning Authority cannot show a five year supply of deliverable housing land, planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance (as set out in footnote 7) 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 the Framework taken as a whole (paragraph 11d). The December 2023 revisions to the Framework changed the way that housing land supply is calculated. I return to this matter later in this statement.

Planning History

16. The UDC committee report notes relevant site history as including the refusal of four dwellings within the site, to the B1417 road frontage only. The details of the previously refused applications are not before me. I understand that the adjacent recently developed site to the south (22 dwellings) on the former Ridleys brewery site (Ridley Green) was approved in 2016.

Location and Principle of Development

17. The site comprises an arable field in open countryside within the hamlet of Hartford End, located to the west side of the B1417. Ridley Green to the south comprises both conversions of the former brewery buildings and new build dwellings, and to the north a line of dwellings up to the junction with Camsix Chase.
18. Given its location remote from any existing settlements, the site is defined as open countryside. FNP policy FEL/HN5 supports residential development outside village development limits where they demonstrate safe and suitable access and where one or more of the circumstances set out in paragraph 79 (now paragraph 84) of the Framework or as listed in the policy applies. Such circumstances include rural exception housing, replacement dwellings, care accommodation within existing residential curtilage. Criterion v) of the policy allows for development on edge of village development limits in exceptional circumstances and where exceptional benefits to the community can be clearly demonstrated.
19. ULP policy S7 requires that the countryside be protected for its own sake, and states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. It also refers to infilling (a small gap between small groups of houses), and seeks to protect or enhance the character of the countryside. Whilst policy S7 could be

- construed as being more restrictive in relation to rural areas than the Framework, several other factors also feed into my consideration of this main issue, including the accessibility of the site to local services.
20. The Framework emphasises the importance of ensuring that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. ULP policy GEN1 e) requires new development to encourage movement by means other than driving a car.
 21. There are no shops or other services and facilities within reasonable walking distance of the site. The B1417 Chelmsford Road in this location is essentially a country lane, restricted in width and without footways for some significant distance and no street lighting. The nearest larger settlement of Felsted is around 3km to the north and has a reasonable range of services including a primary school, convenience store, doctor's surgery, recreational facilities and two public houses. Felsted School is a private boarding school.
 22. Hartford End benefits from being on a bus route, where the no.16 service travels to/from Chelmsford and a number of nearby villages including Felsted four times a day (Monday to Saturday). The nearest bus stops to the site are approximately 100m to the north, near to the junction with Camsix Chase. I noted on my site visit that access on foot to these stops is restricted by narrow and vegetated verges which in places have telegraph poles and other features which would force the user into the highway, and are clearly unsuitable for all users such as young children and the disabled. The bus stop in the direction towards Chelmsford is a simple 'halt' stop without any shelter within an unsurfaced area of wider verge.
 23. Given the distance of the site from larger settlements, the infrequency of the bus service, and the lack of safe pedestrian routes for all users along the B1417, I find it highly likely that the only practical option for the majority of journeys would be via the private car. Essex County Council (ECC) Highways also raised concerns in this respect.
 24. The Applicant proposes to locate additional bus stops on the B1417 adjacent to the site, together with an uncontrolled crossing point and a footway from the crossing point to the southbound bus stop. The works are secured in the UU, together with a 'bus provision' contribution and a residential travel information pack.
 25. I consider highway safety matters later in this statement. The provision of additional bus stops is capable of representing a benefit in favour of the scheme, not only to the future residents of the site but existing residents of Hartford End. However, there is a lack of evidence before me to indicate that the highway authority, or indeed the bus provider, would be amenable to the siting of bus stops in this location. Furthermore, there is nothing to suggest that the no.16 bus service would increase in frequency as a result of the proposed development.
 26. Taking all of the above together, I find that the site is not a suitable location for the proposed housing development, contrary to ULP policies S7

and GEN1(e) and FNP policy FEL/HN5. The rural, poorly accessible location of the site also conflicts with the overall aims of the Framework to deliver sustainable development, paragraph 109 in relation to focusing significant development on locations which are or can be made sustainable, as well as guidance around delivering a sufficient supply of homes in suitable locations.

Character and Appearance

27. FNP policy FEL/ICH1 seeks for all development proposals to respect the character and heritage of the neighbourhood area, be locally distinctive and maintain and respect the visual integrity of the historical settlement patterns and identities within the Parish. In countryside locations, it requires all new build proposals outside the development limits to not harm landscape setting.
28. FNP policy FEL/ICH4 does not support development proposals that, as viewed from publicly accessible locations, will visually significantly diminish the openness of the gap between the hamlets of the Neighbourhood Area. Policy FEL/CW1 requires development proposals to protect and enhance the landscape of the character area in which they are situated, and not to significantly harm important views.
29. ULP policy GEN2 seeks for new development to be compatible with surrounding buildings and safeguard important environmental features in its setting amongst other things, whilst policy S7 only permits new development in the countryside if its appearance protects or enhances area character.
30. The site nor surrounding landscape is not subject to any local or national designations, nor is there any information before me to suggest that the landscape is valued in the context of paragraph 180 a) of the Framework.
31. In terms of wider landscape effects, the submitted Landscape and Visual Appraisal (LVA) has appropriately considered the Uttlesford Landscape Character Assessment (2006) (LCA) and at a more local level the Felsted Heritage and Character Assessment 2017 (FHCA) produced for the FNP. The site lies within landscape character area A6 Upper Chelmer River Valley of the LCA, and ICH1/LCA5 of the Southern River Valleys character area of the FHCA. I concur with the key characteristics of the landscape as set out in both assessments, and that its sensitivity to change is relatively high.
32. The locality has a pleasant rural character of rolling hills, medium sized fields in both arable and pastoral agricultural use interspersed with small groups of dwellings. The River Chelmer wraps around the southern and western extent of Hartford End, which together with the rising landform around it and open spaces between dwellings contributes significantly to the distinct character of the hamlet within the wider landscape. The hamlet retains its rural character notwithstanding recent development at Ridley Green and some modern infill dwellings along Chelmsford Road amongst the former brewery workers' dwellings. I find this to be largely as a result of the retention of the open fields between and around the dwellings and the river. The remaining former Ridley brewery building and its tall chimney

stack, albeit greatly altered and extended to form apartments, forms a focal point in the local area and its riverside location close to Hartford Mill provides a historic context to the landscape and the beer producing history of Hartford End.

33. The site in itself is unremarkable, a typical agricultural field amongst other larger hedge-lined fields, without vegetation in the main body of the site. It is reasonably well screened from the eastern direction by the hedge vegetation of varying heights and species which lines the B1417. There are open views of the site from Ridley Green to the south. The site slopes gently to the north towards Camsix Lane, and this accentuates its visibility, particularly from the south.
34. I was unable to view the site from Mill Lane due to lack of access and the public right of way which runs alongside the River Chelmer due to flooding. From Camsix Chase, further to the north, views of the site area filtered by intervening dwellings and vegetation to the edges of surrounding fields but glimpses are possible. Sensitive receptors are the occupants of the surrounding dwellings in Hartford End, in particular at Ridley Green and the dwellings on Chelmsford Road which immediately bound the site. Road users and walkers on the nearby public right of way alongside the River Chelmer would be less sensitive to changes in character of the site but nonetheless would experience a change in view when passing through the locality.
35. Overall the site makes a positive contribution to the landscape and visual character of the area. In particular, it has a spatial function in providing relief in the landscape between the recent development at Ridley Green and the more established residential dwellings in Hartford End to the north.
36. I therefore disagree with the Applicant's stance in the LVA paragraph 6.6 that the because the site *'lies between two areas of existing residential development that it would be viewed as part of the existing settlement and would not result in an expansion of the hamlet beyond its current boundaries'*. Hartford End could not be construed as a 'settlement' in the sense of its scale, function nor character. The modern housing development at Ridley Green is an anomaly, but I understand that it was built on predominately previously developed land associated with the brewery and that there was specific justification in respect of preserving the characterful and historic former brewery buildings.
37. The ULP does not show any development limits for Hartford End, therefore it lies within the countryside for planning purposes and the mere existence of development to two sides of a greenfield site is insufficient justification for inappropriately located residential development which is out of character with its surroundings.
38. Conditions can ensure that hedge boundaries can be retained as part of the development, and the landscape strategy indicates that there would be space within the site for additional planting around the proposed dwellings and areas of open space. Again this could be secured by conditions and would aid in screening and softening the effects of the development. However, a relatively large section of hedgerow would need to be removed

or cut back to make way for the access road and associated visibility splays. The extent of further vegetation removal to make way for the proposed footways and bus stops is also unclear and this adds further negative weight against the proposals.

39. I acknowledge that the application is in outline form and matters of design and layout and so on are not yet established. I have had regard to the indicative site layout plan and also accept that it would be possible to constrain heights of the dwellings and a lower density of development could be accommodated. However, I take the view that inappropriate urbanisation of the countryside and landscape and visual harm is inevitable given the scale and expanse of the site area, and the overall number of dwellings proposed, regardless of their height, layout, type and design.
40. Given the high landscape and visual sensitivity of the site and its surroundings, I conclude that the location and scale of the proposed residential development would result in significant harm to the established character and appearance of the site and surrounding area and would result in coalescence in the hamlet of Hartford End. This is contrary to policies S7 and GEN2 of the ULP and FNP policies FEL/ICH1, FEL/ICH4 and FEL/CW1 together with section 12 of the Framework in particular paragraph 135 c) which requires developments to be sympathetic to local character and history including the surrounding built environment and landscape setting.

Heritage Assets

41. Whilst the site itself does not contain any known heritage assets there are a number of listed buildings in the vicinity, and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) places a duty on the decision maker to have special regard to the desirability of preserving their setting. The identified heritage assets are set out below.
42. **Hartford End Mill:** The Mill (ref. 1112855) is a Grade II* listed building. It is of high significance, being a fine and imposing example of a surviving watermill on the River Chelmer, dating to the late 18th century. The Mill shares a combined frontage with the Mill House and Bridge, also listed, and the list description notes that it forms '*a very picturesque group in pleasant surroundings*'.
43. **The Bridge:** described as Hartford End Mill Bridge in Front of Mill (ref. 1322275) is listed Grade II. The list description notes the red brick structure as probably contemporary with the watermill.
44. **Hartford End Mill House:** The house (ref. 1147352) dates from the early 19th century and is a detached two storey brick house under a hipped slate roof with distinctive chimney stacks. Together, the group of heritage assets dominated by the Mill provide a distinctive and attractive focal point in the landscape.
45. The application has been accompanied by a Heritage Impact Assessment in accordance with paragraph 200 of the Framework. At paragraphs 1.5 to 1.7 the author of the Assessment notes that when the redevelopment of the brewery site was considered, the officer report concluded that the

development would cause no material harm to the setting of the Mill buildings. Similar comments are made in the officer report for the application before me. Because no concerns were raised by Officers at that time, and the application site is further away from the group of Listed buildings, the applicant has made no further assessment of the Mill buildings. Be that as it may, the submitted material indicates that the new build properties in the curtilage of the former brewery buildings were a form of enabling development. The developments, and the public benefits which arise from them, are clearly different. Whilst I agree that there would be no direct effects on the group of heritage assets at the Mill, notwithstanding the lack of assessment by the Applicant I have had careful consideration to their setting.

46. I noted that distant glimpses of the group and in particular the Mill, were visible from both the site and from Ridley Green. There is a visual connection with both the Mill and brewery given its openness and its function in providing a gap between the brewery and the remainder of the dwellings in the hamlet of Hartford End, and this is pertinent to its landscape impact as previously set out. Nonetheless, I find its contribution to the setting of heritage assets to be neutral due to the separation distances and intervening modern housing development at Ridley Green. Furthermore, there is no evidence before me to suggest the wider land has an associative relationship with the Mill.
47. **Keepers Cottage** (ref. 1112854): the Grade II listed 1.5 storey detached dwelling dating from the 17th century or earlier and fronts the B1417. It has painted plastered walls over a timber framed structure, under a distinctive red plain tiled roof with central chimney stack which contribute to its architectural and historic interest. It is a well-preserved example of an example of local vernacular and the early development of the hamlet of Hartford End. The cottage sits within a generous curtilage bounded by hedging and more modern dwellings. I am satisfied that Keepers Cottage has no historical or visual connection with the site, which makes a neutral contribution to the significance of its setting due to its separation from the site by other development. I therefore consider its setting would not be harmed by the proposals.
48. **Pump, 25 metres east of Gransmore** (ref. 1112853): The Grade II listed 19th century suction pump is located to the east side of the B1417 adjacent to the bus stop, and is the closest listed building to the site. The pump is small in scale and visually separated by existing dwellings. The site makes a neutral contribution to its setting and I find no harm in this instance.
49. **Camsix Farm** (all Grade II): i) the 16th century Camsix Farmhouse (ref. 1308568), ii) the 17th century 'Camsix Farm Granary 5 metres north east of Farmhouse' (ref. 1112852 and iii) the 18th century timber framed 'Camsix Farm Barn 45 metres south east of house' (ref. 1308571).
50. The buildings survive as good examples of their age, type and use of materials. They are located more than 300m from the proposals, beyond a separate arable field and other, more modern farm buildings. There is no indication before me that the site has previously formed part of the holding associated with Camsix Farm, and I would agree that there are no designed

views out from the farmhouse towards the site. Glimpsed views of Camsix Farm, including the more modern structures, are possible from the site and from Chelmsford Road. This is largely due to the lack of intervening vegetation and I concur that such views are incidental. The site makes a neutral contribution to the significance of the setting of all listed buildings within the group. In view of the visual separation, with the group remaining readily appreciable from numerous viewpoints, I conclude that the proposed development would have a neutral effect on the setting of the farmhouse, granary and barn.

51. **Ridley's Brewery:** The UDC officer report refers to the original Ridley's brewery building as a non-designated heritage asset (NDHA) and the Applicant in their Heritage Impact Assessment does not appear to disagree with this. In view of its visual presence in the hamlet of Hartford End and on the landscape of the wider area I would concur that the distinctive riverside building with its tall chimney and links to the brewing heritage of the area has high significance as a NDHA. Given the presence of the recent housing development at and surrounding the former brewery, I do not find that the NDHA would be directly affected by the proposals and there would be no conflict with paragraph 209 of the Framework.
52. The Council's Heritage Officer notes that the density of the proposed development to be uncharacteristic to the area and therefore would impact on the appearance of the countryside setting of the designated heritage assets. They note that the development would require exceptional architectural detailing to ensure that it would be sympathetic to its setting, and that the information provided is insufficient to provide further comment. This appears to be based on the illustrative proposals; such details would be subject to reserved matters if I were to approve the outline proposals. In any event I have already found that regardless of the scale and design of the dwellings, harm would arise to area character.
53. In respect of archaeology, the submission is devoid of information to indicate the archaeological potential of the site, contrary to paragraph 200 of the Framework. ECC's archaeological advisor did not object to the submission subject to completion of an archaeological programme of trial trenching, secured by condition. However, no such condition has been included in UDC's submitted list of suggested conditions. As I am refusing the application for other reasons, and due to lack of information, I do not consider this matter any further.
54. Given the above, I conclude that the site has a neutral effect on the significance of the aforementioned heritage assets and (subject to detail which would be for reserved matters) the proposals would preserve their setting. This would satisfy the requirements of the LBCA, paragraph 205 of the Framework, and would not conflict with ULP policy ENV2 and NLP policy FEL/ICH1 which seek, among other things, for development to be in keeping with the scale, character and surroundings of heritage assets.

Highway Safety

55. A single vehicular access and a separate pedestrian access are proposed onto the B1417 Chelmsford Road. A Transport Statement has been

- submitted as part of the application and a Stage 1 Road Safety Audit (RSA) carried out. ECC Highways raised concerns about the rural location of the site, considering that for the vast majority of journeys the only practical option would be the car. I have previously set out above that the inaccessible location of the site weighs heavily against the proposals.
56. On my site visit, I observed a steady flow of vehicles in both directions, at varying speeds. I found visibility to be limited in many locations along the stretch of highway through Hartford End, and it is clear from the proliferation of mirrors installed along the road that visibility is restricted from the many of the residential accesses. My visit took place during winter when vegetation growth and coverage would be more controlled than in the spring/summer months.
57. Highway safety related issues raised by ECC Highways include discrepancies in the submitted plans and documents regarding visibility splays for the proposed road access, uncertainty over the highway and neighbouring boundaries including presence of ditches, the extent of hedge removal required, and visibility for pedestrians crossing to the proposed southbound bus stop. Similar issues have been raised by neighbouring residents.
58. In response, the Applicant provided comments and a range of plans to show how the visibility splays were calculated and how they consider such splays could be achieved within highway land and/or land controlled by the applicant. A 1m off-set from the road edge has also been plotted to show the splays, as well as a 'one step below' visibility splay, should the neighbouring hedge be retained. Visibility splays for pedestrians are also indicated, together with a commitment to provide warning signage.
59. ECC Highways continued to raise concerns in their response of 14 February regarding the adequacy and deliverability of the visibility splays, and whether they could be maintained. Their concerns apply to both the vehicular and pedestrian accesses onto the B1417. The Applicant's further response indicates a typographical error regarding speeds. Nonetheless, this would appear to make little difference to the splays and it is clear that safety concerns remain.
60. I acknowledge that any pre-application discussions with ECC Highways is not binding to any future decision and that no formal pre-application advice was sought from the Planning Inspectorate in this respect. Whilst agreed technical matters relating to access may ultimately be achievable, I do not consider this would be possible within the determination period. It is clear that a good deal of additional evidence is required to satisfy ECC Highways that the accesses would be safe, and that the visibility splays can be achieved (and maintained) on land which is within the control of the Applicant and/or the Highway Authority. Furthermore, from the information before me, I am also not satisfied that third party land (and the vegetation which grows on it) would be unaffected by the proposals and the Applicant has failed to demonstrate that the works to the highway would not result in adverse environmental effects (to vegetation and/or ditches) contrary to paragraph 108 d) of the Framework.

61. In view of the outline nature of the application, no assessment of the internal layout of the site and parking provision has been made.
62. Overall, I find the proposals to be contrary to ULP policy GEN1 which requires access to the road network to be capable of carrying the traffic generated by the development safely, to take account of the needs of cyclists, pedestrians and public transport users, and to encourage movement by means other than driving a car. The achievement of safe and suitable access for all users in a manner which responds to local character and design standards has not been demonstrated, resulting in conflict with paragraphs 108, 114 and 116 of the Framework.

Flood Risk, Foul and Surface Water Drainage

63. The site is wholly within Flood Zone 1 (low risk of flooding). The submitted Flood Risk Assessment (FRA) considers the sustainable drainage hierarchy and notes that the London Clay bedrock geology is unlikely to enable infiltration drainage techniques for surface water disposal. An open watercourse has been assumed to the southwest, however no investigations have been made in terms of its suitability.
64. Representations have been received regarding flooding of the Ridley Green development. I observed the River Chelmer in flood at the time of my site visit, although no properties appeared to be affected at that time. The application site is on higher ground than Ridley Green. Whilst the Environment Agency flood map indicates an area around the River Chelmer as being within flood zones 3 and 2, the application site does not fall within this area. Nonetheless, I have had regard to the potential for the development to increase flood risk elsewhere.
65. It is proposed to discharge surface water to watercourse a similar rate to existing greenfield conditions of 4.7 l/s for a 1:100 year storm plus 45% climate change. Discharge would be stored and controlled via on-site attenuation basins and use of a hydrobrake. The indicative plans show two basins to the south and west boundary of the site, next to a public open space area. To facilitate the proposed connection to watercourse consent would be required from the Lead Local Flood Authority (LLFA).
66. I acknowledge that the LLFA raise no objections subject to conditions requiring a detailed surface water drainage scheme, including verification of the suitability of infiltration, limits on discharge rates, a scheme to minimise offsite flooding, and maintenance arrangements. I have had regard to comments raised and the submitted photographs from nearby residents regarding surface water flooding of the site and neighbouring land, as well as flooding of the River Chelmer which I observed on my site visit. Whilst I am satisfied there is ample space within the site for on-site attenuation, a good deal of additional information would be required in order to demonstrate that surface water can be sustainably disposed of without increasing flood risk elsewhere. Whilst such details could be provided at a later stage, the potential to increase flood risk elsewhere weighs negatively against the proposals and I would need to be satisfied that such matters are not insurmountable.

67. There are no public foul or surface water sewers in the vicinity of the site, and it is proposed to treat foul water on site with a private package foul water treatment plant. Planning Practice Guidance 'Water supply, wastewater and water quality' advises at paragraph 020 that applications for developments relying on anything other than connection to a public sewage treatment plant will need to be supported by sufficient information to understand the potential implications for the water environment. Where a private package sewage treatment plant is proposed it should be clearly demonstrated that discharging into public sewer is not feasible.
68. The Environment Agency initially raised concerns regarding proposals for a private sewage treatment system, given the existence of two public foul connections within 1500m of the site. The Applicant responded to their comments with a technical note which explains that there would be no feasible route to the existing connections due to physical barriers and the need for a long distance rising main.
69. The Environment Agency continued their objection to the proposals following receipt of this further information. The issues raised are not insurmountable, but significant additional work and information is required in order for such matters to be resolved. This is not possible within the determination period of the Application. Whilst I acknowledge the costs involved in carrying out further investigations, I am not satisfied that this important matter should be delayed to reserved matters stage.
70. To conclude on this matter, the Applicant has failed to demonstrate whether the wastewater from the proposals can be suitably and sustainably drained to a non-mains drainage system without unacceptable levels of water pollution, contrary to ULP policies ENV12, GEN3 and paragraph 170 and 180 e) of the Framework, together with paragraph 020 of the PPG.

Ecology and Habitats Regulations

71. A Preliminary Ecological Appraisal was provided as part of the submission, including the results of both a desk study and site survey. The existing use of the site as an arable field, and lack of internal vegetation means that habitat features are concentrated to the trees and hedges which bound the site. Having regard to the results of the survey, the site is of low ecological value for protected species. Direct effects on habitats associated with the nearest Local Wildlife Site, Little Park Meadows some 130m to the southeast are unlikely.
72. A range of mitigation and enhancement measures are proposed including avoidance of bird breeding season for removal of vegetation and a pre-construction survey for nests, provision of new tree and shrub planting, wildflower planting in open space areas, and bird and bat boxes. At the time of the application, demonstration of 10% Biodiversity Net Gain (BNG) was not a statutory requirement. Nonetheless, a BNG calculation has been provided indicating a 37% net gain of habitat units and 983% net gain of hedgerow units. This represents a benefit in favour of the proposals. However, as previously noted in the section on highway safety, additional vegetation within and around verges may need to be removed for visibility

- splays, bus stops and highway improvements; this could alter the overall net gain of biodiversity.
73. The proposal would not result in any direct effects on national or international sites, but the site is within the Zone of Influence (ZOI) of a number of habitat sites for which the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) applies. Within the ZOI it is anticipated that new residential development is likely to have a significant effect upon the qualifying features of the European Site when considered alone or in combination. FNP policy FEL/HN8 states that all residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures as detailed in the RAMS, to avoid adverse in-combination recreational disturbance effects on European sites.
 74. Natural England's consultation response notes that a Habitats Regulations Assessment (HRA) should be carried out by the competent authority before deciding to give permission for a project which is likely to have a significant effect on a European site.
 75. The Essex Coast RAMS Supplementary Planning Document (SPD) 2020 sets out that each proposal for residential development within the ZOI is required to undertake a 'project level' HRA/appropriate assessment, to explore the hierarchy of avoidance and mitigation, and measures that will be taken to mitigate effects.
 76. As likely significant effects associated with recreational disturbance cannot be ruled out without mitigation, an appropriate assessment is necessary in accordance with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The RAMS is in place to manage potential impacts through a strategic solution which Natural England have advised will be sufficiently certain and effective in prevent adverse impacts on the integrity of the European Sites within the ZOI. Paragraph 4.10 of the RAMS indicates that a requirement to enter into a formal deed with the LPA to secure the payment, and this may form a clause within a wider agreement for planning obligations under Section 106 of the Town and Country Planning Act 1990 (S106). The Applicant has since secured such payment in accordance with the RAMS within their UU dated 21 February 2024.
 77. To conclude on this issue, I am satisfied that subject to conditions to secure biodiversity mitigation and enhancement measures the proposed development would not result in harm to biodiversity within the site and that benefits would arise in respect of BNG. This is in accordance with ULP policy GEN7 and paragraphs 180 d), 185 b) and 186 d) of the Framework.
 78. However, whilst I am content that the RAMS payment meets the requirements of FNP policy FEL/HN8, as I am refusing the proposed development for other reasons, I have not fully carried out an appropriate assessment under Regulation 63(1) for approval by the relevant Statutory Nature Conservation Body (Natural England).

Other Matters

79. The Council's Housing Strategy, Enabling and Development Officer has confirmed that the proposed development triggers a requirement for 40% affordable housing in line with policy H9 of the Local Plan. For up to 50 dwellings this would amount to 20 affordable properties. This has been appropriately secured within the submitted UU.
80. A residential development of the scale proposed has potential to put pressure on local services including schools, school transport, libraries, open space and healthcare. The submitted UU includes obligations for contributions to and provision of these, as well as a payment to RAMS as previously set out, and additional bus stops and any off-site works required to enable their provision. The obligations reflect the consultation responses from the relevant authorities and I have no reason to dispute them. Nonetheless, as I am refusing the proposals for other reasons, I have not considered in detail whether each individual obligation would meet the relevant tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010.
81. Given that the proposals are in outline form, any direct effects on neighbouring occupiers' living conditions from overlooking, overshadowing and so on would be for reserved matters. The site is of adequate size to accommodate a layout to avoid significant harm to living conditions of neighbours. Comments from Essex Police would also inform reserved matters in relation to design and layout. Ground conditions including any potential contamination, levels, lighting, parking, boundary features and landscaping would also be matters that can be secured by condition.
82. Whilst not currently in crop, the Agricultural Land Classification map indicates that the agricultural land to be classed as Grade 3. A more detailed survey of the land is not before me. ULP Policy ENV5 seeks to prevent significant losses of best and most versatile (BMV) agricultural land as does paragraph 180(b) of the Framework. Whilst Grade 3 land is not classed as BMV it is nonetheless of good to moderate quality and its loss incurs limited negative weight against the proposals.
83. The past developments and future intentions of the applicant/landowner, and any assurances given to occupiers of Ridley Green at the time of their purchase are not matters which have bearing on my considerations.
84. The Council and a number of consultees have recommended conditions to be imposed should the application be permitted. Having reviewed these conditions I do not consider, considering the application as a whole, that their imposition would overcome or otherwise outweigh the harm I have found in my reasoning above.

The Planning Balance

85. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.

86. The Applicant's submission was accompanied by a review of the five year housing land supply (5YHLS) in the Uttlesford district (dated 19 September 2023). At that time, the Council's latest position on its 5YHLS was set out in its statement published in December 2022 as being 4.89 years; a shortfall of 78 homes. The Applicant sought to demonstrate a 5YHLS of 4.59 years following a deliverability review of the Council's stated supply.
87. Shortly after the Applicant's review was produced, UDC's most recent 5YHLS statement was published in October 2023 which sets out a supply of 5.14 years. This was swiftly followed by the publication of the updated Framework in December 2023 together with the 2022 Housing Delivery Test (HDT) results. UDC recorded a measurement of 58% in the 2022 HDT. This is below 75% which triggers the presumption in favour of sustainable development as set out in footnote 8 b) of paragraph 11d and paragraph 79c of the revised Framework. I accepted a subsequent update to the Applicants review of 5YHLS, dated 3 January 2024.
88. In their review, the Applicant considered that the provisions of paragraph 226 of the Framework do not apply to UDC, so the demonstration of supply should remain at five years and not four. The Applicant's update questioned whether the key diagram and framework plans within the draft ULP, which has reached Regulation 18 stage, constitute a 'policies map'. Regardless of whether paragraph 226 is triggered in this respect, the HDT results mean that UDC have a 'significant under delivery of housing' as defined by Framework paragraph 77, and subsequently there would be a need for UDC to apply a 20% buffer.
89. UDC's currently published 5YHLS of 5.14 years (which utilises a 5% buffer) is already marginal. When a 20% buffer is applied to reflect its HDT results, it has been calculated that the 5YHLS would reduce to 4.5 years, a shortfall of 409 homes. There is no evidence before me to dispute this position and therefore I conclude that the policies most important for determining the application are out-of-date in this respect.
90. Nonetheless, sub-paragraphs i) and ii) of Framework paragraphs 11d must also be considered. With respect to i), I have had regard to footnote 7 which sets out the type of policies in the Framework that protect areas or assets of particular importance.
91. Habitats sites are listed as being capable of engaging paragraph 11d i) if the policies provide a clear reason for refusing the development proposed. This is applicable to the likely significant effects on the numerous designations of the Essex Coast, as set out in my consideration of the RAMS above. Notwithstanding that I have not fully carried out an appropriate assessment to be agreed by Natural England, I am satisfied that the required mitigation in the form of a contribution to RAMS has been appropriately secured in the UU such that it would not provide a clear reason for refusing the development proposed.
92. As such, Framework Paragraph 11d ii) is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

93. I have already concluded that the proposed development would result in adverse impacts relating to the inappropriate and inaccessible location of the site, character and appearance, highway safety and wastewater disposal, and have set out both the policies of the development plan and Framework which it would conflict with. I attribute significant weight to such conflicts.
94. There are a range of benefits associated with the development. As well as the boost to housing supply, such benefits include the provision of 40% affordable housing, to which I give great weight. There would be other social, economic and environmental benefits which include biodiversity enhancements, provision of open space, employment during construction and additional local spending. I give these benefits moderate weight.
95. The contributions secured in the UU for education, libraries and healthcare are required as a consequence of the increase in population generated by the development and have neutral bearing in the planning balance. Given that I am not satisfied that it has been demonstrated that the highway improvements and bus stops can be safely delivered, this proposed provision does not attract weight in favour of the proposals.
96. Overall, I find that the adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. There is consequently no presumption in favour of sustainable development.

Conclusion

97. The proposed development, by virtue of its unsustainable countryside location, effects on the character and appearance of the area, lack of information in relation to drainage proposals, and effects on highway and pedestrian safety would significantly conflict with the Local Plan and the policies within the Framework when taken as a whole. For these reasons, and having regard to all other matters raised, therefore I conclude that planning permission should be refused.

Susan Hunt

Inspector and Appointed Person

Informatives:

1. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.
2. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 is final. This means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
3. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>

Appendix 1: List of Consultee Responses

Uttlesford District Council (UDC) including:

- Environmental Health
- Housing Strategy Enabling Development

Essex County Council (ECC) including:

- Highways
- Infrastructure Planning
- Lead Local Flood Authority
- Minerals and Waste Planning Authority

ECC Place Services:

- Ecology
- Historic Environment/Archaeology

Chelmsford City Council

Felsted Parish Council

Affinity Water

Cadent Gas Ltd

Environment Agency

Essex Police – Designing out Crime

Gigaclear

Health and Safety Executive

Historic England

London Stansted Airport Safeguarding Authority

NATS

National Gas Transmission

National Highways

Natural England

UK Power Networks