



The Planning Inspectorate

**The Town and Country Planning
(Section 62A Applications)
(Hearings) Rules 2013
ISSUES REPORT**

Application Reference No: S62A/2024/0032

Applicant: Pelham Structures Ltd

Description of proposal: The demolition of 12 no. existing outbuildings / 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

Site address: Land to the west of Mill Lane, Hatfield Heath CM22 7AA

Report prepared by: Zoe Raygen Dip URP MRTPI

**Hearing to be held on: Thursday 9 May 2024 at the Council Chamber,
Uttlesford District Council, London Road, Saffron Walden CB11 4ER**

Introduction/background

1. Local planning authorities (LPAs) can be 'designated' where the Secretary of State considers there are aspects in which an authority is not adequately performing its function of determining planning applications. Where a LPA is designated an applicant can choose to submit certain types of application to the Planning Inspectorate. Uttlesford District Council (the Council) was designated on 8 February 2022 in respect of applications for planning permission for major development.
2. This report sets out the main issues relevant to the consideration of the application. These issues will be discussed during a Hearing to be held at 10.00am on Thursday 9 May 2024 at the Council Chamber, Uttlesford District Council, London Road, Saffron Walden, CB11 4ER.

Planning History

3. A planning application for 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 path was refused by the Council in 2022 (UTT/22/1261/FULL).

4. A planning application for the demolition of existing buildings, conversion of water tower to form a dwelling, erection of 25 Dwellings and the retention, renovation and change of use of 7 buildings to form ancillary facilities to the residential development was not determined by the Council and a subsequent appeal was dismissed on 17 December 2019 (APP/C1570/W/19/3236047).

Procedural matters

5. The application has been screened under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, (as amended). This development is not Environmental Impact Assessment (EIA) development.
6. The application was valid on 13 February 2024. The Inspectorate consulted on the planning application up until 19 March 2024, Responses were received from the following consultees:
 - Affinity Water Ltd
 - ECC Infrastructure Planning Officer
 - ECC Mineral Planning Authority
 - Environmental Health Officer
 - ECC Highway Authority
 - Essex Police Crime Prevention Technical Advisor
 - Hatfield Heath Parish Council
 - Historic England
 - MAG Highways and Safeguarding
 - National Highways
 - NATS Safeguarding
 - Natural England
 - Thames Water
 - Health and Safety Executive
 - Lead Local Flood Authority
7. In addition, 42 responses were received from local residents as well as responses from Hatfield Regis Local History Society and The Hundred

Parishes Society all either outlining concerns or explicitly objecting to the proposed development.

Council's response

8. The Council has submitted an Officer's report which was considered by the Planning Committee on 3 April 2024. The Planning Committee agreed that the proposal would be inappropriate development in the Green Belt and therefore would be harmful. The Committee felt it was unable to make a detailed assessment of any traffic and transportation and design considerations due to a lack of information and therefore asked that highway issues surrounding Mill Lane and the heritage harm towards the non-designated heritage asset of the former prisoner of war camp be taken into account in the consideration of the application.
9. Throughout the process, the applicant was given the opportunity to address the interim consultee comments and having regard to the Wheatcroft and Holborn principles, all relevant parties were given the opportunity for further comments on 16 April 2024. All of the responses received to date have formed the main issues, outlined in this report.

Hearing

10. The appointed person to determine the application is Zoe Raygen DipUrp MRTPI. The Hearing will take place on Thursday 9 May 2024.

Main issues

11. The following are the main issues to be considered in respect of the application:
 - Whether the proposal would be inappropriate development in the Green Belt
 - The effect of the proposal on the openness of the Green Belt
 - The effect of the proposal on non-designated heritage assets
 - The effect of the proposal on the character and appearance of the area
 - The effect of the proposal on highway safety in Mill Lane
 - 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.

Other issues

12. Local residents and societies have raised a number of matters, some of which do not fall within the main issues. However, interested parties will have the opportunity to raise those matters at the Hearing. These include, but are not limited to: Flood risk, drainage, infrastructure, principle of holiday homes.

Conditions

13. The Council has provided a list of suggested planning conditions. These will form the basis of the discussion at the Hearing. However, discussion of the conditions is standard procedure and will not prejudice the decision.
14. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the case officer before the Hearing opens given that some may be missing from the Council's list. These will be published on the gov.uk website. The Inspector will also wish to discuss conditions that may be relevant for the holiday cottages.

Planning obligation

15. The Planning Inspectorate is not a signatory to planning obligations. It is the responsibility of the applicant and the LPA to ensure that a completed agreement is in place so that it can be taken into account in reaching a decision. The Council has advised that in its opinion a legal agreement is required in respect of affordable housing and the Council's monitoring and legal costs.
16. The legal agreement should be submitted in advance of the hearing date. The LPA should retain the original version and a certified copy should be submitted to the Planning Inspectorate. If a completed obligation is not in place at this time, it is likely that the application will progress to a decision.
17. The focus of discussion at the hearing will be whether the obligations comply with relevant tests.
18. The applicant has advised that their preferred way of securing the requested contributions is via a Grampian condition to be imposed on any planning permission. This will be discussed at the Hearing having particular regard to paragraph 010 Reference ID: 21a-010-20190723 of the Planning Policy Guidance regarding the use of negatively worded conditions to require a planning obligation to be entered into.

Site Visit

19. A site visit will be undertaken on the day of the hearing. This is likely to be accompanied unless parties are willing for the Inspector to visit the site on their own.

Zoe Raygen

Inspector (Appointed person under S76D TCPA)