

Decision Notice and Statement of Reasons

Site visits made on 8 & 9 May 2024

Hearing held on 9 May 2024

By Zoe Raygen DipURP MRTPI

A person appointed by the Secretary of State

Decision date: 24 May 2024

Application Reference: S62A/2024/0032

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

- 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 9 January 2024 is made by Pelham Structures Ltd and was validated on 13 February 2024.
 - The development proposed is the demolition of 12 outbuildings/structures, the conversion and restoration of 8 No 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
-

Decision

1. Planning permission is granted for the demolition of 12 outbuildings/structures, the conversion and restoration of 8 No 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 in accordance with the terms of the application dated 9 January 2024, subject to the conditions set out in the attached schedule.

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 has been designated for major applications since 8 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 20 February 2024 which allowed for responses by 19 March 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. Uttlesford District Council submitted an officer report and minutes following a planning committee meeting on 3 April 2024. The consultation response summarises these documents and sets out the Council's objections/comments to the proposed development on a number of grounds.
6. Some of the consultation responses raised issues that required further information and/or revised plans. These include responses from Uttlesford District Council and Essex County Council as Highways Authority. Having regard to the Wheatcroft and Holborn Principles, I accepted additional plans and information dated 12 and 22 April 2024 in response to those comments and a targeted re-consultation of the relevant consultees only was carried out. The plans did not alter the proposal but included additional information regarding materials. The first of these additional submissions led to the agreement of an extension of time to the determination period to 14 June 2024.
7. I carried out an unaccompanied site visit on 8 May 2024 followed by an accompanied one on the 9 May 2024 after the Hearing, which enabled me to view the site, the surrounding area and the nearby roads and public rights of way.
8. On 30 April 2024 I published an Issues Report, prepared under the provisions of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. This included a description of the development, consultation details and material considerations, and explored the main issues to be considered in relation to the application. In addition to that report, I set out an agenda for the public hearing. This was held on 9 May 2024 at Uttlesford District Council attended by members of the public and local societies as well as elected representatives, officers of Uttlesford District Council, and representatives of the applicant. I accepted additional documents at the hearing, and I requested further documents, both of which are listed in Appendix 3 of this decision.
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 the 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 and heard at the hearing, the main issues for this application are:
- *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 the character and appearance of the area;*
 - *The effect of the proposal on non-designated heritage assets;*
 - *The effect of the proposal on 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.*

Reasons

Planning History and Background

12. 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 2019¹.
13. 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).

Location and Principle of Development

14. Policy S6 of the Uttlesford Local Plan 2005 (LP) states that infilling, limited development, or redevelopment will be permitted within several defined villages excluded from the Green Belt, one of which is Hatfield Heath. However, the application site is situated beyond the defined Development Limits of Hatfield Heath within the Metropolitan Green Belt. The supporting text to Policy S6 states that within the Green Belt development will only be permitted if it accords with national planning policy in Planning Policy

¹ APP/C1570/W/19/3236047 (the 2019 appeal)

Guidance Note 2 – Green Belts. This guidance has been replaced by the National Planning Policy Framework (the Framework) which is now the relevant document.

15. Policy E5 of the LP supports the reuse and adaption of rural buildings for amongst other things, tourist accommodation subject to various criteria including highway safety and the character and appearance of the countryside as well as the state of the buildings.

Whether inappropriate development

16. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate within the Green Belt but goes on to set out a limited number of exceptions. Exception (g) allows for the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
17. The application site was originally farmland and was requisitioned by the war office for a Prisoner of War (POW) camp. After the war it was returned to the farmer when it was farmed until they stopped working. However, the Inspector when assessing the 2019 appeal considered that, even though they were intended to be temporary, the structures on the appeal site could be considered as PDL at that time. Although time has elapsed since then I saw that they were still recognizable structures in a discernible complex which have not blended into the landscape. They can be considered as PDL.
18. The evidence submitted by the applicant in the form of an aerial photograph taken on 7 June 1946 shows that the entirety of the application site was used for the purposes of the POW camp, with the area to the south, which the previous Inspector queried, apparently being used for some form of recreation and some buildings. Therefore, I am satisfied that the application site falls within the definition of PDL in the Framework; namely land which is or was occupied by a permanent structure including the curtilage of the developed land. Although PDL, the land is generally green, covered by scrub and trees with the former POW buildings having a low profile in the landscape, and much of the area having a largely undeveloped appearance.
19. The proposal is for the restoration of 8 of the buildings to form 7 holiday cottages and 1 dwelling. Although these were originally supposed to be for a temporary purpose, the buildings are of breezeblock, concrete and brick construction and substantially complete. There is no requirement to extend the buildings.
20. The proposal also includes the demolition of 12 buildings and the erection of 3 new buildings. This would result in an increase in footprint of 183.92 square metres and a reduction in volume of built form of 692.41 cubic metres. The new buildings would be broadly in the location of those to be removed and would be single storey with flat roofs. Consequently there would be a small increase in the footprint of the built form which would encroach into Green Belt.

21. While there would be a reduction in volume of built form, there would be a considerable increase in hardstanding to accommodate access roads to the new plots and parking areas for the holiday accommodation. Such development and activity would be a considerable change and encroachment into the Green Belt reducing the openness, particularly given that a number of trees would need to be removed for the development.
22. Visually, the application site is well contained with very limited views from the immediate area and from further afield other than the extent of the water tower, the height of which can be seen from certain viewpoints. Most of the perimeter planting would be retained although views into the site would be available from the northwest along the road to GreenWays to the north of the application site.
23. In conclusion therefore, although there would be a reduction in volume, there would be an increased footprint and a considerable increase in hardstanding and vehicular activity together with the general paraphernalia associated with residential accommodation. The development would therefore have a greater impact on openness than the existing development and hence would be inappropriate development in the Green Belt, contrary to Policy S6 of the LP and the Framework.

Character and Appearance

24. The application site is located between existing housing on Stortford Road and Mill Lane and commercial buildings to the north of Mill Lane. Housing on Stortford Road is mainly detached in fairly large well vegetated plots set back from the road. Development along Mill Lane has a tighter grain but nevertheless there is planting and, on the western side, hedgerow, which gives the whole area a verdant rural appearance.
25. The application site is a large site which is mainly vegetated, and well treed with scrub and open areas, within which to the north of the site are various former POW camp buildings. These are small scale, single storey with a shallow pitch roof and space around them. Some are in a poor condition having been largely unattended since their last use and have been the subject of vandalism. Nevertheless, given the extensive landscaping, the application site contributes positively to the rural character and appearance of the area.
26. The proposal would see the restoration of 8 of the buildings which would improve their appearance. They would not be extended. The three new buildings, although having a large footprint would only be single storey of up to 3.5 metres in height, with a flat green roof. They would be set in large plots and the majority of the planting retained integrating satisfactorily into the existing character and appearance of the area blending the development into the surrounding countryside.
27. While there would be an increase in hardstanding, this would be kept to a minimum to service the houses and the holiday lets and if carried out in an appropriate material would be acceptable.

28. The materials for the houses would be vertical timber cladding with green roofs. This together with their low level and block design would effectively assimilate them into the existing wooded area. That to the holiday lets would be feather edge boarding together with corrugated steel sheet sandwich roofing reflecting those huts to the north of the application site. This would be a considerable improvement on their existing condition.
29. For the reasons above I conclude that the proposal would not harm the character and appearance of the area. It would therefore accord with Policy GEN2 of the LP. This requires that development be compatible with the scale, form and layout of surrounding buildings. The proposal would also comply with paragraph 135 of the Framework which ensures that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character.

Non-designated heritage asset

30. The application site houses a former Italian/German POW camp conforming to the Standard layout with a guard's compound, huts for prisoners and a water tower. The huts are constructed from a variety of materials ranging from timber or concrete framing with hollow clay block, brick, concrete block and timber weatherboarding. Graffiti, thought to be the work of Italian prisoners survives in at least one of the buildings.
31. The site was surveyed by Historic England in 2003 and was recorded as being Condition 2- near complete. This places it in a significant grouping of only 17% of the Standard camps that survive. Nevertheless, even at the time of the survey the camp had only about 50% of unaltered repairable buildings which have continued to deteriorate and be vandalized since that time. The application site only includes part of the POW camp with the prisoner huts located to the north in association with Greenways. I was also advised that planning permission had recently be granted for the demolition of all but one of these huts at Greenways together with the redevelopment of the site².
32. Although some of the buildings are in better condition than others, I saw at my site visit that much of the internal parts of the buildings had gone, together with the windows. The buildings continue to deteriorate as well as be vandalized. Together, they give valuable historic evidence of the conditions in which POW were housed, also historic and social interest in their link with an important national event as well as the links with the local community and history. As a whole, the POW camp is a non-designated heritage asset, and its significance is largely derived from its contribution to the understanding of a national event and the conditions in which PsOW were housed. The potential loss of the prisoners' huts to the north has eroded that significance losing the relationship between the prisoner huts and the guard's complex. Nevertheless, the buildings on the application site retain significance as the remaining buildings within the POW camp.

² UTT/23/1688/FUL

33. The proposal would see the retention of 8 of the buildings including the landmark water tower building and their conversion to holiday lets and in the case of the water tower a dwelling. The materials used for the conversion would mark them out as similar to the prisoner huts to north of the site, thereby eroding their significance as the guard's compound. However, the footprints, size and design would be retained as well as their relationship to each other. Therefore, the original form of the remaining guards' compound would be readily understood. In addition, the timber cladding would protect and maintain the concrete frames and preserve the utilitarian nature of the site.
34. The proposed buildings would be sited within the footprint of existing or previous buildings so that the original extent of the POW camp would be reflected to a degree. Nevertheless, the loss of 12 of the original buildings, even those in the poorest condition, would erode the significance of the POW camp diminishing the ability to understand its extent and organization.
35. For the reasons above I conclude that the proposal would harm the significance of the non-designated heritage asset.

Highway Safety

36. The application site would be accessed via a new access from Mill Lane. Mill Lane is a narrow road which currently provides access to 13 houses, a care home and commercial businesses including Green Ways (egg packaging and distribution) and Invictus car sales.
37. The applicant has submitted a Transport Statement (TS) which uses TRICS data, with a traffic growth factor applied to 2016 survey data. It finds that there are 28 two-way movements in the morning peak hour and 10 in the evening peak hour (updated with traffic growth factor), with an average of 88 vehicles per day over a four-week period in 2016. Having spent some time at Mill Lane on the 8 May and then visiting the site on 9 May, although only two snap shots in time, the figures reflect my observations. I note they are also accepted by the Highway Authority. Furthermore, the applicant confirmed at the Hearing that the use of the building currently occupied by Invictus motors was taken account of in the traffic data as the building already had that use, even though vacant at the time of the survey. Traffic data from residents over two days in 2018 record 126 two-way movements between 0700 and 1900 with an average of 7 articulated lorries, 14 rigid HGVs and 14 smaller vans each day.
38. The data in the TS and from the residents, shows a relatively low level of use of the lane. However, there is a number of larger vehicles, and given the narrow width of the lane this can lead to drivers having to either wait to get past larger vehicles when cars approach from the opposite direction or negotiate past larger vehicles when parked. This may involve reversing along the lane as I experienced on my site visit. Furthermore, photographic evidence has been submitted that when an ambulance attends the care home it parks near the entrance to the lane causing an obstruction, albeit temporarily. Moreover, the windows of the care home fronting onto the lane

open outwards creating a further hazard for vehicles. I do understand therefore, that conditions along the lane are not ideal and I also witnessed damage to properties that had been caused by traffic being too close when accessing the lane.

39. To mitigate this issue the applicant proposes a scheme of works to Mill Lane which includes resurfacing and widening together with the introduction of a footway a small way into the lane. While the widening would be limited, there are some small, grassed areas that are in the highway boundary³ and therefore could be provided as carriageway and would aid driving conditions. I appreciate that there is a pinch point in the lane where it is very narrow, and drivers have to approach with caution as visibility is restricted. Nevertheless, there is no history of accidents on the lane although near misses are not recorded which the residents report have been numerous.
40. In addition, I saw pedestrians using the lane and there is a bus stop close to the junction with Stortford Road, together with a bridleway on the northernmost part of Mill Lane.
41. It is in this context that the proposed increase in traffic, along the lane must be assessed. The TA states that from the whole development there would be an increase of 2 two-way trips in the morning peak hour and 4 in the evening peak hour. This is considered to be low by interested parties, but there is no meaningful challenge based on robust data sources. The Highway Authority has accepted the traffic generation figures.
42. Given the very low increase in trips in the peak hours, then the proposal would not materially harmfully increase the amount of traffic using Mill Lane. Furthermore, due to the width of the road and limited visibility in some places, traffic has to move slowly along the lane thereby reducing the risk of accidents. The proposed improvements to the lane have been the subject of a satisfactory Stage 1 road safety audit. Moreover, improvements are proposed to the footpath link with the adjacent Home Pastures so that pedestrians and cyclists from the development have an alternative route than using Mill Lane to access local services and the bus stop. The link would have bollards in place so it would not be used as a vehicular access.
43. For all the above reasons I conclude that there would not be an unacceptable impact on highway safety. The proposal would therefore accord with policy GEN1 of the LP in this regard which requires that the design of the site must not compromise road safety. There is also no conflict with paragraph 115 of the Framework which requires that development does not have an unacceptable impact on highway safety.

Other Matters

³ As demonstrated in the highway boundary plan in the applicant's TA.

Drainage/Sewage

44. Interested parties have expressed concerns regarding the potential for increased flooding and the inability of the local infrastructure to deal with the increased sewage from the development.
45. According to the interested parties silt from the application site is being washed into the surrounding area causing blockages and flooding in the village. However, the proposal, including the supporting Flood Risk Assessment and Drainage Strategy (FRSDA) has been assessed by, and now approved by Essex County Council Development and Flood Risk officers, acting as the Lead Local Flooding Authority (LLFA). The FRSDA confirms that the site can be appropriately drained without causing flooding elsewhere. Conditions can be imposed as suggested by the LLFA to achieve a satisfactory scheme and its maintenance. Consequently, the proposal would not cause harmful flooding and therefore is acceptable in this regard.
46. Residents also highlighted several times that the mains sewer had blocked, and raw sewage had been apparent in the area. They consider that there is no further capacity in the system. However, Thames Water have commented on the planning application that regarding the wastewater network and sewage treatment works infrastructure capacity, it would have no objection. It would be down to the developer to devise the best form of disposing of wastewater based on the circumstances at the time. On that basis I am satisfied the proposal would not cause harm in this respect.

Need for Holiday Accommodation

47. Residents query the need for holiday accommodation in the proposed location. However, I heard that the site is close to tourist facilities and Stansted Airport. Also being in the countryside it is close to footpaths to provide outdoor recreation. In any case, in these circumstances it is not for the planning system to query the need for the facility.
48. I understand residents' concerns that in the longer term the units would be changed to unrestricted residential use. However, a suitably worded condition could be imposed to restrict the use to holiday accommodation. Also, the standard of accommodation would be governed by adherence to Building Regulations.

Ecology

49. The application site is within the 10.1km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest/National Nature Reserve. The Forest is an excellent example of a mediaeval forest with all elements surviving. However, recreation impacts are threatening the integrity of the forest and Natural England, together with relevant Councils are working to implement a package of funded Strategic Access Management Measures. In the interim period, Natural England require contributions towards such mitigation from residential developments above 50 units. This development does not fall within the criteria and therefore at the scale proposed would not harmfully threaten the integrity of the SSSI/NNR.

50. The applicant's Ecological Impact Assessment (EIA) concludes that the application site supports a small population of Great Crested Newts located to the south of the site. This is interpreted as a transitory population without breeding, although the later update to the study states it may be prudent to assume a small breeding population. As the appropriate decision-maker in this case, it is necessary for me to be satisfied that the proposal would not cause harm to protected species, or that any harm would be suitably mitigated, having regard to the three derogation tests.
51. The first derogation test is reasons of overriding public interest. The proposed development would deliver housing, including affordable housing and make effective use of PDL. It would also deliver tangible economic benefits to the local building trade in the construction of the development and subsequent patronage of local services by future occupants. My findings below do not indicate substantive adverse impacts to counter these benefits.
52. The second test is that there is no satisfactory alternative. While there is a potential do nothing scenario, this would mean that the existing POW camp buildings would fall further into disrepair. The structural surveys show that various buildings are in such a poor state of repair that they require demolition. The dwellings are required to cross subsidise the renovation of the camp buildings. I am satisfied that lesser interventions are not realistic alternatives in this case.
53. The final test is that the proposal would not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. The EIA states the intention to translocate them following best practice with new planting and sensitive habitat management.
54. On the evidence before me in respect of the protected species, I am satisfied that the risks identified are low and that the proposed mitigation measures would suitably address these risks, such that the favourable conservation status of the Great Crested Newts is maintained. The mitigation measures, together with other measures to achieve biodiversity enhancement, can be secured by condition.

Affordable housing

55. Policy H9 of the LP requires that 40% of the housing is delivered as affordable housing. In this case that would equate to one dwelling. The Council suggests that in this instance a commuted sum may be the best way to seek provision. While the applicant is amenable to this approach, the Council has not suggested a sum and the applicant would want the viability of the development, including the costs of the renovation of the non-designated heritage asset, to be considered in reaching an appropriate sum.
56. Both therefore consider that a condition would be an acceptable way to secure the requirement to enter into a S106 agreement to secure the

affordable housing. I am satisfied that there is a requirement for Affordable housing in the District.

57. I have had regard to the advice in the Planning Practice Guidance on this. It confirms that ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency. It goes on to state that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.
58. Ordinarily therefore, I would not be supportive of a condition as suggested. However, on this occasion, given that the requirement is for only one unit, both parties are agreed and the need to pursue development to retain as many buildings within the POW Camp as possible before they deteriorate further then I consider that a condition is an appropriate way forward. However, given the uncertainties around the exact figure of the commuted sum and the potential for future disagreement I consider it would be necessary to impose a wider condition requiring a scheme of affordable housing to be submitted and approved. Both the Council and the applicant were supportive of this approach at the Hearing.

Infrastructure

59. Residents raise concerns about the availability of doctor's appointments and school places in the area and that the proposed development would add to pressure on the services. However, there has been no request for any contributions to the services or any substantive evidence to suggest that the proposal would place undue pressure on the facilities.

Other considerations

60. The proposal would provide four houses at a time when the Council is unable to demonstrate a five year housing supply. I saw that the site, although outside of the development boundary, is close to services and facilities as well as a bus stop. The improved link would assist in helping pedestrian and cycle movement to facilities. The housing would therefore be in an accessible location on PDL. This attracts significant weight. It would also secure affordable housing when there is a need for such housing.
61. The purchase of materials and their use in the development would be a benefit. Economic benefits would come from the future spend of residents in the local economy. While there is nothing to suggest the local facilities and services are struggling to prosper, there would nevertheless be a benefit.

62. It is difficult to see how the POW buildings would be otherwise restored and retained without the benefit of the cross subsidy of the three dwellings and an appropriately worded condition would ensure that the restoration would occur before occupation of all the dwellings.
63. Residents advise that it is their wish to purchase the site and renovate the buildings to provide local community facilities together with a heritage museum detailing the history of the POW camp and the links to the local community. It is evident that the camp is important to the residents but while a benefactor is in place their scheme would be largely reliant on grant funding of which there is no certainty would be forthcoming. Moreover, there is no indication that there would be a willingness for the site to be sold to the local community.
64. From the evidence before me this planning application is the most realistic scheme to achieve the preservation of the remaining buildings that remain in a condition worthy of retention before they fall further into disrepair. This would ensure that some of the camp would be retained, especially given that planning permission has been granted for the demolition of the majority of that to the north. Furthermore, it would allow more access to the buildings, for people to appreciate the non-designated heritage asset, given that currently there is no public access at all. This is a substantial benefit of the scheme.

Whether there would be Very Special Circumstances

65. I have found that the proposal would be inappropriate development in the Green Belt that would have a greater effect on openness than the current development on site. In accordance with the Framework, I give this harm substantial weight. In addition, I have found harm to the significance of the non-designated heritage asset.
66. Paragraph 153 of the Framework states that Very Special Circumstance will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
67. In this instance, the other considerations I have identified carry very substantial weight as matters in favour of the proposal and therefore clearly outweigh the harm to the Green Belt and any other harm. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

The Heritage and Planning Balance

68. 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.
69. Given that the Council is unable to demonstrate a five year housing land supply and the location of the application site in the Green Belt does not provide a clear reason for refusing the application then paragraph 11dii is

relevant. However, I am satisfied that the adverse impacts of the proposal would not demonstrably outweigh the very substantial benefits I identify under Other Considerations above when assessed against the policies in the Framework as a whole.

70. Furthermore, in accordance with paragraph 209 of the Framework I am also of the view that those benefits would outweigh the harm caused to the significance of the non-designated heritage asset.

Conditions

71. The Council and the applicant have suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed those conditions suggested by the Council and agreed by the applicant. After consultation I have also imposed a condition restricting the use of the units proposed to be holiday lets to prevent their use for unrestricted residential purposes.
72. I have removed the condition related to the requirement for car charging, as that is now a requirement of the building regulations. I have also imposed conditions to ensure the ecology and biodiversity of the site is appropriately enhanced in accordance with the Framework.
73. I have not imposed the condition regarding details of the mechanical plant as there is nothing before me, including from the environmental health officer, to justify such a condition.

Conclusion

74. For these reasons, and having regard to all other matters, the proposal conflicts with the development plan as a whole. However, in this instance there are material considerations outlined above, including the Framework, which are of such weight to outweigh that conflict and indicate a decision should be taken other than in accordance with the development plan.
75. As such the application should be approved and planning permission granted.

Zoe Raygen

Inspector and Appointed Person

Schedule A – Planning Conditions

Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 471 X 01 B, 471 x 02E, 471 x 03A, 471 x 04A, 471 x 0100B, 471 x 0200, 471 x 0300, 471 x 0400, 471 x 0500, 471 x 0600, 471 x 0700, 471 x 0800, 471 x 0900B, 471 x 1000, 471 x SEC1, 471 x SEC2, CC296-116-1, ITB11347-GA-012G and ITB11347-GA-016.

Reason: To provide certainty.

3. No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy ENV14 of the Uttlesford Local Plan 2005.

4. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved prior to the occupation of the first dwelling.

Reason: In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

5. No conversion, alterations or construction shall commence until a proposed materials schedule has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason: In the interests of preserving the character and appearance of the area and the non-designated heritage assets in accordance with Policy GEN2 of the Uttlesford Local plan 2005.

6. No conversion, alterations or construction shall commence until further information with regards to design and construction details in respect to plot 4 & units 1-8 as indicated on plan no: 471x02 E have been submitted and approved in writing by the local planning authority prior to works commencing.

REASON: In the interests of preserving the character and appearance of the area and the non-designated heritage assets in accordance with Policy GEN2 of the Uttlesford Local plan 2005.

7. No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

8. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI has been submitted to and approved in writing by the Local Planning Authority

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005

9. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005

10.No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 9.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005

11.The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005

12.The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005

13.Prior to commencement, any works which will impact the resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005

14. All mitigation and enhancement measures/and/or works shall be carried out in accordance with the details contained in the Ecology Verification 2021: Addendum to the Ecological Impact Assessment (Hopkins Ecology, October 2021) and Addendum to the Ecology Verification (September 2022).

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the Framework.

- 15.A Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed compensation and enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the compensation and enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to beneficial use and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the Framework.

- 16.The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b) No dust emissions should leave the boundary of the site
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan 2005.

17. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- a) Matching discharge rates to existing greenfield rates for the 1 in 1 year, 1 in 30 year and the 1 in 100 year rate plus 40% allowance for climate change;
 - b) Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
 - c) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
 - d) Final modelling and calculations for all areas of the drainage system;
 - e) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - f) Detailed engineering drawings of each component of the drainage scheme.
 - g) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
 - h) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation of the development.

REASON: In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005

18. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed to include retained and new woodland and trees as well as installed enhancement features.
 - b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

20. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved SuDS Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005

21. The 3-no. single storey new dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space

22. In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Stansted Airport and the Civil Aviation Authority

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan 2005

23. All hard and soft landscape works shall be carried out in accordance with the approved details on plan reference 471 x 04A.

All hard landscaping shall be carried out prior occupation.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

All landscape works shall be carried out in accordance with the guidance contained in British Standards.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan 2005.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A - F of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To protect the openness of the Green Belt in accordance with the requirements of the Framework.

25. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a. vehicle routing,
- b. the parking of vehicles of site operatives and visitors,
- c. loading and unloading of plant and materials,
- d. storage of plant and materials used in constructing the development,
- e. wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005

26. Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

27. Prior to occupation of the development, visibility splays at the junctions of the all-weather link with the existing bridleway of Mill Lane (bridleway 9, Hatfield Heath 297) and the improved public right of way to Home Pastures (footpath 12, Hatfield Heath 297) shall be provided as shown in principle on drawing ITB11347-GA-012 Rev G. Such visibility splays shall be retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between the users of the highway, bridleway and pedestrians/cyclists accessing the development in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

28. Prior to commencement of the development, details shall be submitted to and approved in writing by the local planning authority of the all-weather link from the access road to bridleway 9 (Hatfield Heath 297) and through to Home Pastures (along existing footpath 12, Hatfield Heath 297) as shown in principle on drawings no. ITB11347-GA-012 Rev G and 571x02 Rev C including, but not limited to: provision of an all-weather surface suitable for pedestrians and cycles, vegetation management, and the necessary order/agreement to allow cycle movements

REASON: To make adequate provision for safe and suitable access to site for pedestrians and cyclists in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005

29. Prior to occupation of the development, the highway works shown in principle on drawing no. ITB11347-GA-012 Rev G are to be provided entirely at the developer's expense. These works shall include, but not be restricted to, the following:

- a. Widening of Mill Lane, maintaining a minimum 0.45m clearance from existing buildings.

- b. Resurfacing of Mill Lane from Stortford Road to site access, including full depth construction/re-construction where required.
- c. Improvements to the existing access to site from Mill Lane,
- d. Provision of footway and amendments to kerb radii at junction of Mill Lane with Stortford Road.
- e. Provision of all-weather surfaced link to Home Pastures.

REASON: To make adequate provision within the highway for vehicular traffic, pedestrians and cyclists as a result of the proposed development ensuring safe and suitable access to site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

30. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling/unit, for sustainable transport, to be submitted to and approved in writing by the Local Planning Authority. (packs for residential dwellings to include six one day travel vouchers for use with the relevant local public transport operator).

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

31. The proposed development shall not be occupied until such time as the vehicle parking provision indicated on plan reference 471 x 02E has been hard surfaced, sealed and marked. The vehicle parking provision shall be retained at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005

32. Prior to occupation of the development, a vehicular turning facility shall be constructed and surfaced and will be maintained free from obstruction within the site at all times.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 33.No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies, as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005

- 34.No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
- b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
- d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

REASON: To ensure the delivery of affordable housing in accordance with the provisions of Policy H9 of the adopted Uttlesford Local Plan 2005

- 35.Prior to occupation of the 3rd market dwelling as shown on drawing no. 471 x 02E, the restoration works to units 1-8 as shown on drawing no. 471 x 02E are to have been completed. A building control completion certificate is to be submitted to and approved in writing by the local planning authority.

REASON: To ensure that the restoration works are undertaken prior to the delivery of the 3rd market dwelling on the site, to protect the Green Belt and in the interests of preserving the character and appearance of the non-designated heritage assets in accordance with the provisions of Policy GEN6 of the adopted Uttlesford Local Plan 2005 and paragraph 209 of the National Planning Policy Framework.

- 36.Notwithstanding the provisions of Part C, Class C3 "Dwelling Houses" of the Schedule of the Town and Country Planning (Use Classes) Order

2005, (or any order revoking or re-enacting that Order), Units 1-8 shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

REASON: The development is located within the Green Belt where new residential development would not normally be permitted.

Informatives:

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate sought further information in response to comments made by the Local Planning Authority.
- ii. 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 ("the Act") is final. 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
- iii. 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>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Uttlesford District Council, any applications related to the compliance with the conditions must be submitted to the Council.

APPENDIX 1 Consultee responses

- 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
- Uttlesford District Council

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.

APPENDIX 2

Additional/revised documents following consultation process:

- A highways technical note dated 1 June 2023 with Updated analysis in Transport Assessment with up to date accident data
- Updated traffic count on Mill Lane
- Review of trip generation rates in the technical note
- Drawing ref ITB113347-GA-012 Rev G showing the Mill Lane widening scheme
- Stage 1 Road Safety Audit of the Mill Lane widening scheme
- Materials and detail plan
- Revised plans 571 x 0100B and 571 x 0900B showing part M4(2) compliance
- Revised plan 471 x 04A regarding materials

APPENDIX 3

Documents received at the hearing:

Revised list of Conditions

Documents received after the Hearing

Application Report and Plans for planning application reference
UTT/23/1688/FUL

Wording for condition regarding the phasing of the development and affordable housing