



Unit 4 Brices Yard, Butts Green, Langley Upper Green, Saffron Walden, Essex. CB11 4RT

By Email

16<sup>th</sup> December 2024

Dear Leanne,

**RE: Town and Country Planning Act 1990 (Section 62A Applications) Planning application for Construction of 16 dwellings including 40% affordable housing and associated infrastructure at Land East of Ugley Village Hall at Land adjacent to Village Hall, East of Cambridge Road, Ugley, Bishops Stortford, Hertfordshire**

Thank you for the opportunity to comment on the New NPPF, our comments are as follows:

Paragraph 11d):

The changes to paragraph 11d have increased the support for development of sites such as the application site. As the scheme is in a sustainable location, with regular bus services on its doorstep, it is previously developed land, it is well designed (as acknowledged by the LPAs Urban Designer) and it provides 40% affordable housing. These are all factors that have increased importance when determining planning applications due to the changes to 11d.

Paragraph 61:

*"The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."*

This addition emphasises the importance of granting enough homes, which the LPA have failed to do to date, as evidenced by their significant supply shortfall, which is detailed further below. This change therefore increases the weight that should be given to granting new homes in an area that has failed to meet its identified housing need.

Paragraph 73:

*"are essential for Small and Medium Enterprise housebuilders to deliver new homes, and"*

The application site which proposes 16 news dwellings epitomises this type of small site and Pelham Structures are an SME housebuilder, therefore further weight should be given to granting new homes on sites of this nature, whic has notable benefits by

providing a mix of open market and affordable houses, in a way that can be “*built-out relatively quickly*” by an SME Housebuilder.

Paragraph 109:

The changes to this paragraph introduce a ‘vision-led’ approach to transport solutions and sets out additional criteria. This is particularly relevant to the response received from the highway authority:

*“The Highway Authority has previously secured development funds from developments in the area that have already commenced, for a new bus service which has the potential to connect the site to Stansted village and Bishops Stortford in one direction and Stansted airport in the other. For the above reason the Highway Authority recommends a condition that will enable the new development to benefit from this new upcoming bus service via the installation of new bus stops onto Pound Lane and further improvements on the existing bus stops on Cambridge Road.*

*The combination of infrastructure improvements proposed will give the development access to 2 regular bus services adjacent to the site – which **collectively will enable residents to access services and facilities by sustainable travel.**” [our emphasis added]*

It is clear from this that the combination of the existing bus services in the area, the additional ones already secured by the highway authority and the further ones that would come forward from this application, e.g. the additional bus stops, will achieve the ambitions of paragraph 109.

Paragraph 115:

As with paragraph 109 this focuses on the importance of good transport modes, and provides further support for schemes of this nature.

Paragraph 125c):

*“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;” [our emphasis added]*

As set out in the supporting documents the site is previously developed land as a former gravel pit that has not been restored, which the LPA accept. It is in the settlement of Ugley as experienced on the ground, wrapping around the village hall with built form to the north and south. It should therefore only be refused if substantial harm would be caused.

In terms of the meaning of substantial harm, it is predominantly used in the previous NPPF in relation to heritage, and there is notable case law relating to its meaning.

The interpretation of “substantial” harm in the NPPF is a question of law, while its application to a set of facts is a question of planning judgment: see Tesco Stores Ltd v Dundee City Council.. Moreover, it is a question of law, which has been answered by the High Court in Bedford Borough Council v SSCLG [2013] EWHC 2847 per Jay J.

In Bedford, the Court was asked to find that an Inspector had misconstrued the concept of “*substantial harm*” as set out in the NPPF, by holding that substantial harm needed to be something “*approaching demolition or destruction*”.

Jay J held that the Inspector had not erred in applying this test:

*“24... What the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.”*

*25 Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.”*

*26 Although Mr Cosgrove did not put his argument quite in this way, I have considered whether the formulation “something approaching demolition or destruction” is putting the matter too high in any event. “Substantial” and “serious” may be regarded as interchangeable adjectives in this context, but does the phrase “something approaching demolition or destruction” add a further layer of seriousness as it were? The answer in my judgment is that it may do, but it does not necessarily. All would depend on how the inspector interpreted and applied the adjectival phrase “something approaching”. It is somewhat flexible in its import. I am not persuaded that the inspector erred in this respect.” [our emphasis]*

In line with the above case law the contained nature of the site means that any harm would be very limited and that no substantial harm would occur so as to justify refusal of the application.

### Standard Method

The standard method for calculating housing need as set out in the PPG has been updated, which has increased the need for Uttlesford. Their latest housing supply figures are set out in their 1<sup>st</sup> April 2024 report as follows:

Annual Target	N/A	675
20% of Target	675 x 20%	135
Annual Target incl. Buffer	675 + 135	810
Overall 4-Year Target	810 x 4	3,240
Overall 5-Year Target	810 x 5	4,050
Supply	534 + 596 + 795 + 755 + 655	3,335
<b>Supply in years:</b>	<b>(3,335 / 810)</b>	<b>4.12 years</b>

The revised standard method increases the annual target to 797 years. The impact on their five-year supply is set out below:

Annual Target	797
20% of Target	159
Annual Target incl. Buffer	957
Overall 5-Year Target	4783
Supply	3335
Supply in years	3.49

The local planning authority therefore have a substantial housing supply shortfall and significant weight should be given to the provision of new homes.

Summary

In terms of the changes to the NPPF taken as whole they put further emphasis on delivering additional new homes, in sustainable locations, with good transport links, with additional support for the re-use of brownfield sites. Therefore, these changes encourage the development of sites such as this application to a greater extent than the previous NPPF and planning permission should be granted accordingly.

**Yours Sincerely**



Samuel Bampton  
Director