



## UTTLESFORD DISTRICT COUNCIL

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**Dated:** 19 September 2024

[REDACTED]  
Magenta Planning Ltd  
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N20 8QR

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

**Application Number: UTT/23/2496/FUL**  
**Applicant: Montare LLP**

Uttlesford District Council **Refuses Permission** for:

**Erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots) and local affordable employment unit/flexible community space; provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility) at Land West Of High Street Stebbing Essex**

**The refused plans/documents are listed below:**

Plan Reference/Version	Plan Type/Notes	Received
21202 DR_0190B	Block Plan	06/10/2023
21202 DR_0199D	Floor Plan (proposed)	06/10/2023
21202 DR_020	Other	06/10/2023
21202 DR_0200A	Floor Plan (proposed)	06/10/2023
21202 DR_0200B	Floor Plan (proposed)	06/10/2023
21202 DR_0200D	Floor Plan (proposed)	06/10/2023
21202 DR_0201A	Floor Plan (proposed)	06/10/2023
21202 DR_0201B	Floor Plan (proposed)	06/10/2023
21202 DR_022	Landscape Details	06/10/2023
21202 DR_0300-1	Floor Plan (proposed)	06/10/2023
21202 DR_0300-2	Elevations (proposed)	06/10/2023
21202 DR_0302-1	Floor Plan (proposed)	06/10/2023

21202 DR_0302-2	Elevations (proposed)	06/10/2023
21202 DR_0304-1	Floor Plan (proposed)	06/10/2023
21202 DR_0304-2	Elevations (proposed)	06/10/2023
21202 DR_0306-1	Floor Plan (proposed)	06/10/2023
21202 DR_0306-2	Elevations (proposed)	06/10/2023
21202 DR_0308-1	Floor Plan (proposed)	06/10/2023
21202 DR_0308-2	Elevations (proposed)	06/10/2023
21202 DR_0310-1	Floor Plan (proposed)	06/10/2023
21202 DR_010 A	Location Plan	06/10/2023
21202 DR_0190A	Block Plan	06/10/2023
21202 DR_0314-1	Floor Plan (proposed)	06/10/2023
21202 DR_0310-2	Floor Plan (proposed)	06/10/2023
21202 DR_0312-1	Floor Plan (proposed)	06/10/2023
21202 DR_0312-2	Elevations (proposed)	06/10/2023
21202 DR_0314-2	Elevations (proposed)	06/10/2023
21202 DR_0316-1	Floor Plan (proposed)	06/10/2023
21202 DR_0316-2	Elevations (proposed)	06/10/2023
21202 DR_0318-1	Floor Plan (proposed)	06/10/2023
21202 DR_0318-2	Floor Plan (proposed)	06/10/2023
21202 DR_0318-3	Elevations (proposed)	06/10/2023
21202 DR_0318-4	Elevations (proposed)	06/10/2023
21202 DR_0320-1	Floor Plan (proposed)	06/10/2023
21202 DR_0320-2	Elevations (proposed)	06/10/2023
21202 DR_190C	Block Plan	06/10/2023
21202 DR_190D	Block Plan	06/10/2023
21202 DR_200C	Floor Plan (proposed)	06/10/2023
21202 DR_201C	Floor Plan (proposed)	06/10/2023
EX 100 A	Location Plan	06/10/2023
GA 600	Landscape Details	06/10/2023
GA 601	Landscape Details	06/10/2023
GA 602	Landscape Details	06/10/2023
SD 200	Landscape Details	06/10/2023
SD 201	Landscape Details	06/10/2023

SD 202	Landscape Details	06/10/2023
SD 203	Landscape Details	06/10/2023
SD 204	Landscape Details	06/10/2023
SD 205	Landscape Details	06/10/2023

Permission is refused for the following reasons:

- 1 The proposals would have a harmful impact on the setting of the scheduled motte castle by impacting on important views of the schedule monument within the landscape and on its visual relationship with the historic settlement along High Street; they would also impact on the Grade II\* listed Stebbing Park and Conservation Area by encroaching on open fields that contribute to its prominence and openness.

The Local Planning Authority has a duty under Section 66(1) 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

Having regard to the guidance in Paragraph 207 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the setting of the designated heritage assets. The proposals are thereby contrary to paragraph 207 of the National Planning Policy Framework, Policies ENV1, ENV2 and ENV4 of the Uttlesford District Local Plan and Policy STEB1 of the Stebbing Neighbourhood Plan.

- 2 The application site lies outside the defined settlement development limits of any village or town as defined by the Uttlesford District Local Plan as Adopted (2005) and is thereby located within the countryside. The proposal would introduce a sizeable new development to an area of open countryside. The proposals by reason of its sitting, size and scale would have an unacceptable harmful impact upon the rural character and appearance of the area and loss of open green space. There is no substantive justification for the proposal specifically relating to the developments needs to take place there or being appropriate in the countryside.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to the scheme would not comply with to the advice in paragraphs 180(b) and 135(c), Policy S7 of the Uttlesford District Local Plan (as adopted) and policies STEB4, STEB6, STEB7 and STEB9 of the Stebbing Neighbourhood Plan.

- 3 The proposal would represent an unacceptable form of development resulting in a detrimental and harmful impact on the designated Local Green Space. Such inappropriate development would result in demonstrable change to and the loss of part of the Local Green Space, this harm would be contrary to Neighbourhood Plan Policy STEB4 and

paragraphs 107, 152, 153 of the NPPF. The harm caused by the development is not clearly outweighed by the very special circumstances

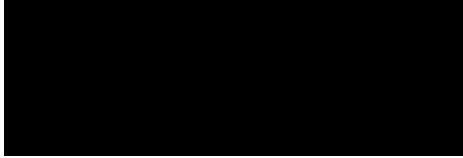
- 4 The application does not include a mechanism such as a S106 deed to secure the required planning obligations, this includes:
- I. Provision of 50% affordable housing and self- build units`
  - II. 25% of Affordable housing being First Homes.
  - III. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) - Building Regulations 2010,
  - IV. Maintenance of SuDS including on-going maintenance of drainage, systems where their outfall is beyond the site,
  - V. Provision and long-term on-going maintenance of public open space,
  - VI. Provision and management of community building,
  - VII. Provision and management of parking area,
  - VIII. Secondary Education: (Financial contribution of £117,555),
  - IX. School Transport: (Financial contribution of £21,903.20),
  - X. Libraries: (Financial contribution of £2,178.40),
  - XI. NHS: (Financial contribution of £36,176.00),

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

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

Policy	Local Plan	Local Plan Phase
National Planning Policy Framework December 2023		
GEN1 - Access	Uttlesford Local Plan 2005	
GEN2 - Design	Uttlesford Local Plan 2005	
GEN3 - Flood Protection	Uttlesford Local Plan 2005	
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	
GEN5 - Light Pollution	Uttlesford Local Plan 2005	
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	

ENV3 - Open spaces and trees	Uttlesford Local Plan 2005
ENV5 - Protection of agricultural land	Uttlesford Local Plan 2005
ENV7 - The protection of the natural environment designated sites	Uttlesford Local Plan 2005
ENV8 - Other landscape elements of importance for nature	Uttlesford Local Plan 2005
ENV10 - Noise sensitive development and disturbance from aircraft	Uttlesford Local Plan 2005
ENV12 - Groundwater protection	Uttlesford Local Plan 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005
H1 - Housing development	Uttlesford Local Plan 2005
H9 - Affordable Housing	Uttlesford Local Plan 2005
H10 - Housing Mix	Uttlesford Local Plan 2005
Land to the east of Parkside and Garden Fields	Stebbing Neighbourhood Plan
STEB2 - Green Infrastructure & Development	Stebbing Neighbourhood Plan
STEB4 - Local Green Space	Stebbing Neighbourhood Plan
STEB6 - Important Open Gaps	Stebbing Neighbourhood Plan
STEB7 - Important and Protected Views	Stebbing Neighbourhood Plan
STEB9 - Design Principles and Location of New Development	Stebbing Neighbourhood Plan
STEB10 - Meeting Local Needs	Stebbing Neighbourhood Plan
STEB11 - Affordable Homes	Stebbing Neighbourhood Plan
STEB12 - Sustainable Design and Construction	Stebbing Neighbourhood Plan
STEB13 - Managing Flood Risk and Drought Mitigation	Stebbing Neighbourhood Plan
STEB14 - Renewable Energy	Stebbing Neighbourhood Plan
Uttlesford Local Parking Standards	



**Dean Hermitage**  
**Strategic Director of Planning**

**Notes:**

- 1 The local planning authority has worked with the applicant in a positive and proactive manner.
  
- 2 Appeals to the Secretary of State

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

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

#### PRIOR APPROVAL APPEALS, INCLUDING THE NEIGHBOURS' CONSULTATION SCHEME

Applicants may appeal under section 78 of the Town and Country Planning Act 1990 against a local planning authority's refusal or non-determination of an application for prior approval for development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.

Prior approval appeals generally follow the same procedures and timetables as appeals relating to ordinary planning permissions. Appeals against refusal of prior approvals relating to dwellinghouses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, will be made under the householder appeals process (see Annex C of the Planning Inspectorate Procedural Guide). Such appeals must be submitted within 12 weeks.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (or timeline as mentioned above).

Appeals can be made online at:

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

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

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

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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK  
<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

