

**BY EMAIL**

Our Ref: AM/666666/VH/Consultation Response Apr25

**Section 62A Applications Team**

Planning Inspectorate  
3<sup>rd</sup> Floor  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

11 April 2025

Dear Sir or Madam

**Consultation on S62A/2025/0077 - Application for Planning Permission for Erection of 28 residential dwellings (comprising 14 affordable & 11 private market homes together with 3 self-build plots); 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) - Land West Of High Street, Stebbing, Essex**

My name is [REDACTED], I am a Fellow of the Royal Institution of Chartered Surveyors, a Fellow of the Royal Town Planning Institute, and an Urban Designer with over 50 years' experience in both the public and private sectors, with 40 years in private practice. I have extensive experience of working on a wide range of projects from major new communities to medium and small-scale projects in both urban and rural areas, including development plan and development management work, masterplanning, and advising on proposals affecting heritage assets. [REDACTED]

The SNPSG has prepared a comprehensive and extensive set of representations, which cover all the main points and issues as to justify refusal of this application. I am sending this letter in my personal, family and professional capacities to object to this application and urge the Inspectorate to refuse planning permission for the following reasons:



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### The plan-led system

The NPPF paragraph 15 makes it clear that the planning system should be genuinely plan-led. The starting point for decision-making is the development plan. Where an application conflicts with an up-to-date development plan, including any Neighbourhood Plan, permission should not usually be granted. LPAs may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the plan should not be followed (paragraph 12).

Neighbourhood Plans were introduced as a community right in 2011, giving communities the power to coordinate appropriate development to meet their housing need. They are approved in a local referendum, resulting in a shared vision for the neighbourhood, striking the right balance between protecting what's existing, and welcoming appropriate growth.

The relationship between a community's identity and its built-up residential area creates spaces that shape the everyday reality of young and old. Giving more control to the public to create and coordinate these spaces, eventually results in increased social benefits. It does so much more reliably than any s106 agreement ever could. It can therefore also not be expected that building on Local Green Space, which the NPPF puts on the same level as Green Belt land, could ever bring forward sufficient tangible and intangible community benefits to outweigh the harm caused by this proposal.

In the case of Stebbing, the Stebbing Neighbourhood Development Plan (SNDP) was made in July 2022, less than 3 years ago, with 97% of the turnout voting in favour of adoption. The Neighbourhood Plan is therefore up-to-date, despite the adopted Uttlesford Local Plan being largely out of date, although much is still relevant and consistent with the NPPF. Consequentially, the development plan, including the SNDP, is the starting point, with the NPPF being a material consideration.

Although the Council can demonstrate a housing land supply of only 3.46 years, inclusive of a 20% buffer and with a Housing Delivery Test of 69%, the conditions set out in footnote 8 of paragraph 11 d) would normally apply. However, the presumption in this case is disengaged by footnote 7 to paragraph 11 d) i because the application of policies in the Framework that **protect** areas or assets of particular importance provides a strong reason for refusing the development proposed. This is expanded upon further below.

Furthermore, paragraph 14 states that in situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement.

The Stebbing Neighbourhood Development Plan was made in 2022, and allocates sufficient sites in appropriate locations to meet its identified pre-2024 NPPF housing requirement. With the changes of to the NPPF in December 2024, Stebbing's housing requirement has increased from 25 to 109 dwellings that are required over the plan period. To ensure the SNDP is updated in accordance with this new requirement and to protect Stebbing from speculative and premature proposals, such as the one in question here, the SNDP Committee has been meeting regularly in the last months. Considering their track record thus far, it is reasonable to assume that an updated version of the SNDP, allocating for at least 109 new dwellings, is likely to come forward in due course. The Inspectorate has no reason to assume otherwise and therefore does not need to rely on speculative proposals to ensure housing targets are met in Stebbing.



It is for the Stebbing Parish Council and local community to decide where to allocate the sites for the 109 dwellings proposed in the Reg 19 Draft Local Plan in due course, not through speculative applications in the wrong place and at the wrong time as in the case of this application.

The full list of relevant development plan policies that apply in this case are set out in the representations prepared by SNPSG. The proposals are clearly in conflict and entirely inconsistent for the reasons set out therein. The provision of housing is not the only policy that should be considered in determining the application, and in particular the more up-to-date SNPD policies - including the Local Green Space designation - are the most important in determining this application.

By urbanising the heart of Stebbing, the proposals do not respect important heritage aspects of the village and are therefore contrary to Policy 1 of the SNPD.

Further, the sites are outside of defined development limits, not allocated in the SNPD, and are not considered to be infill. Policy 9 of the SNPD states that such proposals should not be supported.

The two Local Green Spaces are “considered to be demonstrably special to the Parish of Stebbing”. Introducing built structures onto them, would not enhance their visual qualities, a requirement of Policy 2. The proposals are not protecting Important and Protected Views or Green Spaces and are therefore contrary to Policies 2,4, 6, 7 and 19 of the SNPD.

In terms of visual impact, apart from making a judgement of the comparison of the ‘before’ and perceived ‘after’ effects by way of a detailed site inspection, the applicants have attempted to do so through the recently submitted Views Study prepared by Austin Design Works. This document is not considered to be helpful to the applicants at all. Apart from missing a few important views, all the ‘before’ and ‘after’ images clearly demonstrate that the proposals represent an alien feature in the landscape; would destroy important and protected views; and would conflict with the purposes of the LGS. All these considerations form key features in defining the character of this part of Stebbing, and in addition the proposals would cause irreparable harm to the setting of the Conservation Area and heritage assets.

Therefore it is considered that the Neighbourhood Plan Policies effectively trump the tilted balance and should be given greatest weight, and taken as a whole, together with the NPPF, provide clear reasons for refusal.

If this application is allowed, it will open the floodgates for a wave of speculative applications throughout the district and other villages. It will completely undermine the role and importance of Neighbourhood Plans and for local communities’ right to decide where new housing sites should be allocated in their areas, in the most appropriate locations, providing the greatest benefits to their local residents.

By approving this application, the Inspectorate would demonstrably override the very strong views expressed by the majority of the local community. The making of the SNPD was a community effort of people welcoming increased housing targets and identifying appropriate allocation sites. History has shown that the Stebbing Neighbourhood Plan Committee can be expected to take the necessary action to accommodate the future growth required by the December 2024 policy changes.

Allowing speculative proposals would therefore be nothing less than a slap in the face for the people of Stebbing, who have done and continue to do, everything within their means to enhance the village they call home, whilst stepping up and doing their part to build the houses needed in the area.

**NPPF paragraph 11d)i (2024)**



The Applicant's Planning Statement fails to make any noteworthy mention of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. In subsequent submissions they effectively rely on 11d)ii, i.e. the tilted balance, but have ignored paragraph 11d)i and footnote 7, where the Local Green Space designation provides a clear reason for refusing permission. Even more so, the applicant has left out the Local Green Space designation from the Constraints List, uploaded to the Council Portal on 23<sup>rd</sup> January 2025.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. **the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or**
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>.

Footnote 7 states that the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, **Local Green Space**, a National Landscape, a National Park or defined as Heritage Coast; irreplaceable habitats; **designated heritage assets**; and areas at risk of flooding or coastal change. (The representations from SNPSG correctly point out the relevant case law and guidance in this respect, as established in Monkhill).

The land upon which the applicant is proposing to build, is classified as Local Green Space.

The Local Green Space designation did not apply at the time of the 2005 ULP, but was introduced by the NPPF. Local Green Space designations allow communities to identify and protect green areas of particular importance to them. The two areas affected by this application were included in the SNDP because

- They are in close proximity to the community they serve;
- They are demonstrably special to the local community and hold particular local significance because of their tranquillity and character being part of the natural and pastoral landscape that forms an important functional open gap separating the Conservation Area and historic core of the village from 20<sup>th</sup> century development;
- They protect the setting the landmark Stebbing Park, with its scheduled motte castle and Grade II\* and other listed buildings; and
- They form designated Important and Protected views providing a series of long distance views from the High Street and Downs to the open countryside including the valley of Stebbing Brook, and protects that setting of this part of the village and Conservation Area.

According to paragraph 106 of the NPPF, the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Paragraph 108 requires policies and decisions for managing development within a Local Green Space to be consistent with national policy for Green Belts. The essential characteristics of Green Belts are their openness and their permanence (142).

This means that for Local Green Spaces to be consistent with Green Belt policies, they must be capable of enduring beyond the end of the plan period and should be kept permanently open.



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Therefore, the urbanising effect of the proposals is by definition harmful to the Local Green Space and should not be approved except in very special circumstances: This is a very high bar to pass and there are numerous appeal decisions where a shortage of housing has proved insufficient justification to demonstrate very special circumstances.

By allowing this application to move forward, the Inspector would disregard paragraph 11d)i of the Framework, which clearly states that even if the policies which are most important for determining an application are out of date, permission should **not** be granted, if the harm caused to a Local Green Space, whose purpose it is to enhance the quality of a place through its openness and permanence and is considered equal to the Green Belt, provides a strong reason for refusing the development proposed. The same argument applies to the need to protect heritage assets. In this regard, the views of Historic England are particularly important and should be given substantial weight.

The application should therefore be refused, on the grounds that it is in conflict with paragraph 11d)i of the Framework and no very special circumstances have been identified that would justify otherwise.

In summary, the proposals are in conflict with Stebbing Neighbourhood Development Plan Policies STEB1, 2, 4, 6, 7, 9(2), and 19, as well as NPPF paragraphs 11d)i, 106, 108 and 142. They completely undermine the purpose of a plan-led system and take away the community's power to coordinate appropriate development to meet the housing need for Stebbing.

I therefore respectfully ask that the Planning Inspectorate refuse planning permission for this application.

Yours sincerely

[Redacted signature block]

PS: in the event that a hearing is to be held in relation to the application then I would wish to make oral representations.