



STEBBING NEIGHBOURHOOD PLAN STEERING GROUP

Section 62A Planning Application: S62A/2025/0077 - Land West of High Street, Stebbing

(the “Application”)



Stebbing High Street: View from Church End to North

REPRESENTATIONS OF STEBBING NEIGHBOURHOOD PLAN STEERING GROUP

To: Planning Inspectorate - Section 62A Applications Team

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WHO WE ARE AND OUR MANDATE

These representations are submitted by Stebbing Neighbourhood Plan Steering Group (“**SNPSG**”), a body appointed by Stebbing Parish Council to prepare the Stebbing Neighbourhood Plan 2019 -2033 and which was made by Uttlesford District Council on 19 July 2022 (“**SNP**”) ¹.

The Referendum preceding it was held on 23 June 2022. Those entitled to vote in the Parish numbered 1,160 and on a turnout of **48%**, 534 respondents voted in its favour, being **97%** of votes cast (the “Referendum”).

SNPSG is also mandated by Stebbing Parish Council to prepare a review and update of the **SNP**, so as to enable it to conform with the requirements of the emerging Uttlesford Local Plan 2021 – 2041, a task which it has accepted and is currently undertaking.

SNPSG is not a “NIMBY”; it allocated housing development in the **SNP** in excess of the indicative housing requirement then provided by UDC. Further, a greater number of dwellings has been delivered in Stebbing in recent years in excess of that provided for in the **SNP**, with 12 dwellings under current construction. **SNPSG** recognises there to be an updated requirement and need to provide for future development in the Parish and, as confirmed by Stebbing Parish Council to Uttlesford District Council (“**UDC**”) in the Regulation 18 and 19 Local Plan consultation exercise, that provision will be accomplished through the current review and updated Neighbourhood Plan process.

We are a mature body, having first been established in 2016. Members have relevant professional and business related backgrounds but also planning experience, some being former members of and Chairs of the Planning Committee of UDC. Membership is made up by an equal number of Parish Councillors and representatives of the community.

Our community strongly subscribes to the ethos and benefits of Neighbourhood Planning. The level of support secured for the **SNP** from the residents of the Parish described above as well as the community engagement throughout its evolution, including a 92% response rate to a detailed Survey, which covered housing and community needs among other matters, evidences the value ascribed to it.

The review and update of the **SNP** now being undertaken by **SNPSG** will allocate housing sites and also identify the development and infrastructure priorities important to the residents and businesses of Stebbing and will enable the community to maximise the opportunities to become available through Community Infrastructure Levy charges following introduction by UDC in 2026.

We would like to stress that, in order to maintain the support that has been given to and is recognised by the Stebbing community for its Neighbourhood Plan, it is essential that the policies contained in the **SNP** will be shown to have been properly considered and fully upheld in the consideration of this Application. This will enable the community to understand and be reassured that the care and commitment involved in the making of its Neighbourhood Plan and in setting individual policies are respected and implemented.

There are 8 Neighbourhood Plans already made in Uttlesford and a further 15 are in gestation. It is desirable in the context of this Application therefore, that the Policies contained in the **SNP** shall be

¹ https://www.uttlesford.gov.uk/media/11568/Stebbing-Neighbourhood-Plan/pdf/Stebbing_Neighbourhood_Plan_-_Made_version1r.pdf?m=1658330851267

shown to have been respected and fully applied, thereby demonstrating the status and value of Neighbourhood Plans as planning policy at work successfully to the larger District Community.

HEARING REQUEST AND REPRESENTATION

Having regard to the issues raised in the Application and the extent of representations received from the Community, we respectfully submit that it is appropriate that the Application be considered at a Hearing.

In the event that a Hearing is scheduled, we request an opportunity to attend and speak.

CHARACTER AND APPEARANCE OF THE AREA

Stebbing lies in the Upper Chelmer Valley Character Area which is described by Land Use Consultants in the Uttlesford Character Assessment dated October 2023, part of the Evidence Base in the Local Plan now under EIP, as having the following characteristics ²:

“■ Dense riverside trees and small wet woodlands on the valley floor and small woodlands on the sloping valley sides. ■ Pattern of arable fields on the valley sides and rough pasture and wet meadows on the valley floor, bounded by mature hedgerows and hedgerow trees. ■ Surviving medieval settlement pattern of dispersed linear villages, isolated farms, moated sites and halls with historic parklands. ■ Distinctive local vernacular of timber-framed buildings, with bright colour-washed walls with pargetting, and thatched roofs. ■ Small, local winding roads provide crossing points over the river. ■ Open and framed cross-valley views, often with a wooded horizon, contrast with the enclosed character along the river corridor.”

This description helpfully provides an accurate backdrop to the rural and tranquil setting of Stebbing Parish.

Landscape

The proposed development sites comprise two separate parcels of open undeveloped permanent pasture land, to be further subdivided into four plots, which lie isolated between substantial gaps in residential development making up part of the western lengths of the High Street and of The Downs, Stebbing (together the “**Sites**”). They stand divided by the historic driveway access, flanked by an avenue of 25 veteran lime trees, each individually protected by a TPO, which descends to Stebbing Park. There lies a principal house sitting nestled at the bottom of the Stebbing Brook valley form, together with a group of Essex style farmstead buildings, part of a farm of which the **Sites** formerly formed part.

The **Sites** overlook and abut heritage assets of the highest status, namely Stebbing Park (Grade II*), The Mount (Scheduled Monument), as well as The Granary (Grade II) and other barns and former farmstead outbuildings forming part of the Stebbing Park group. The **Sites** are visible in open views both from within Stebbing Park house and a range of viewpoints across its northern and eastern grounds.

In addition to the principal separation as described, the **Sites** (sub-divided into two further plots) have been assembled as a single development and presented as a combined scheme (the “**North Site**” and “**South Site**” respectively). However, both **Sites** do have a fundamental status and constraint in common however, namely that while they are each allocated as Local Green Space (“**LGS**”), being designated as such by the **SNP**, their contiguity with the neighbouring LGS at Mill Lane Recreation Ground supports their combined treatment as one unified LGS.

² https://www.uttlesford.gov.uk/media/12665/Uttlesford-full-LCA/pdf/Uttlesford_full_LCA.pdf?m=1701352785163

As to this consideration, any development permitted in the **North Site** and **South Site** would impact adversely upon the LGS designation of Mill Lane Recreation Ground and defeat one of the purposes of the three contiguous LGS designations, expressly described in the LGS Assessment as one of the intended protections to be accorded to all three LGS.

The **Sites** are in the Countryside, outside the limits of development set out in the adopted Uttlesford Local Plan (2005)³ (“ULP”). The **South Site** is immediately adjacent to the designated Stebbing Conservation Area (“CA”) and in fact, a section of its southern boundary lies within it.

The **Sites** are situated in a west facing valley slope, undulating in part. The **North Site** rises from c. 60m datum to c. 70m and the **South Site** from c. 65m to c. 77m. They enjoy long and open views to the west across the valley floor of Stebbing Brook, leading towards ancient woodland aspects on the horizon. They are historic unimproved meadow land and have not been cultivated nor fertilised in at least the past 30 years. They have been used as livestock grazing, as dictated by prevailing farming policy. The Sites are classed Best and Most Versatile land 3A by DEFRA. .

The **Sites** are made up of two areas of land which provide the only separations between the last remaining sections of linear development which lie on the western edge of the historic core of the village of Stebbing. This is clearly depicted in the aerial photograph in the frontispiece.

The **Sites** do represent a valued landscape in all common sense uses of the expression but we submit, may in fact properly be considered a “valued landscape” in terms of the application of Paragraph 187 a) of NPPF. This is consistent with the Courts’ decisions in Stroud and Forest of Dean⁴, where it was held that a landscape need not be formally designated to qualify as valued. It needed however to be more than merely popular and it needed to have physical attributes that took it “out of the ordinary”. We submit that the landscape in question here does have such attributes; not only has it a very attractive scenic quality but it is in good condition, is unimproved grassland, its topography is engaging and it contains three PROWs Stebbing 10, 12 and 21 as well as two watercourses, with Stebbing Brook itself being designated as a Main River. The Technical Guidance Note 02/21, *Assessing landscape value outside national designations*, published by the Landscape Institute is informative as to the professional judgments and judicial approach that may be adopted in this regard⁵.

The housing immediately to the north of the **North Site** was built in the 1920’s in way of six “Homes for Heroes”. Beyond them to the North is a more recent development, *Marshall’s Piece*, which was built in the mid 1990’s on a brownfield site, Down Farm, formerly the yard of a firm of earth moving/civil engineering contractors. ‘*Falcons*’, the dwelling lying at the mouth of the driveway access to Stebbing Park was part of and in the historic curtilage of Stebbing Park Farm, having provided accommodation to the leading horseman and foreman at Stebbing Park Farm and then later, to the farmer’s widow, [REDACTED]. Indeed, the historic connection to the farm and to her in the naming of the **North Site**, being the field to the west of *Falcons*, is still maintained today, the name given to it remaining “*Granny’s Field*”.

³ https://www.uttlesford.gov.uk/media/4723/Uttlesford-Local-Plan-Adopted-January-2005/pdf/Local_Plan_2005.pdf?m=1681907159467

⁴ *Stroud District Council v SSCLG and Gladman Developments Limited* [2015] EWHC 488 (Admin) and *Forest of Dean DC* [2016] EWHC 2429 (Admin)

⁵ <https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2021/05/tgn-02-21-assessing-landscape-value-outside-national-designations.pdf>

The **Sites** consist of two agricultural fields, which have been used from time immemorial as grazing land for livestock as part of the former Stebbing Park Farm holding. The **North Site** contains the remains of a hydraulic ram and pipework which is connected to a brick built tank on The Mount and provided water to Stebbing Park house and farmyard by gravity feed.

The **Sites** have never been ploughed nor “improved” by use of fertilisers or pesticides. The **South Site** still has vestiges of its pastoral usage containing, in its northern corner, a timber fenced stock pen and gates.

Adjacent to the entrance to PROW Stebbing 10 and 12, leading into the **North Site**, and providing the boundary of ‘*Falcons*’ is the remains of the flint and brick wall which made up the animal Pound, being located, incidentally, consistent with convention at the entrance to the Lord’s Manor. Local awareness of the historic relevance of The Mount and the Pound can be further appreciated from the naming of two roads in the Garden Fields development, which lies to the east of The Downs, having been built on the site of the former village allotments, as *Mount Fields* and *Pound Gate* respectively.

The northern boundary of the **North Site** includes a remnant of the pale to the mediaeval deer park which was established as part of the manorial holding of Stebbing Hall. The eastern boundary hedge of the **North Site** lies adjacent to the wide grassed margin of The Downs, which is registered as subject to Rights of Common ⁶.

The **North Site** slopes westwards down towards Stebbing Brook. Two PROW Stebbing 10 and 12 traverse it, one leading westwards over Stebbing Brook, before joining up with The Broadway and connecting to Great Dunmow and beyond. The other PROW leads northwards, parallel with Stebbing Brook, passes through its water meadows and thence to Bran End Mill and leet. It too connects with the PROW network to the north. The PROWs are part of an extensive network within the Parish which extends to some 15 miles. As will have been noted from residents’ representations, and also from observation in the field, the PROWs are very extensively used. The PROWs traversing the **Sites** provide expansive views towards the open countryside lying to the west and north.

The western/lower portion of the **North Site** is given over to “cricket bat willow” production, being grown by J S Wright & Sons Ltd, the world’s leading cricket bat growers, on commercial terms. These trees typically will be harvested in 15-20 years’ time ⁷. The plantation is enclosed with access prevented by a wired and fenced-off enclosure. The plantation cannot be felled nor supplemented without a licence issued by the Forestry Commission. The creation of an apple orchard likewise would require a Forestry Commission licence. None have been applied for by the Applicants.

The topography of the **South Site** is more complex and undulating than that of the **North Site**. Its northern/upper portion slopes westwards down towards The Mount while the southern/lower portion descends in a south-westwards slope towards the collects and issues making up the water course feeding the mediaeval fish pond/lake which lies in lower ground adjacent to The Mount and thence drains into Stebbing Brook. Both The Mount and the lake are visible from the adjacent footpath which commences in Mill lane Recreation Ground, PROW Stebbing 21.

⁶ <https://magic.defra.gov.uk/MagicMap.html>

⁷ <https://cricketbatwillow.com/about-us/>

The monument representing The Mount dominates this area, having a diameter of 60 m at its base, 15.5 m at its summit and rising to c. 13m. Its man-made earthen conical mass and great scale stand out dominant, on a west facing spur, its “flat top” summit standing prominent above the surrounding terrain of the **Sites**. Its water-filled moat is about 15 m wide and has a depth of about 1.5 m. Its presence and Norman period origins are of course well known to residents and visiting walkers alike.

The southern boundary of the **South Site** also includes a remnant of the pale to the mediaeval deer park which was established as part of the manorial holding of Stebbing Hall.

The **Sites** were both part of the Deer Park, which was established in the 13C. Regrettably, its existence in connection with the high manorial status of Stebbing Park as the *caput* of the Norman De Ferrers Family was not identified nor was the mediaeval significance of The Mount as a motte castle sufficiently appreciated by the Applicant’s heritage consultants. These omissions cause questions properly to be raised as to the adequacy and thoroughness of the heritage assessment undertaken on behalf of the Applicants.

Visual

Fuller details of the landscape character and qualities of the surrounding area, the **Sites**, the CA and of Stebbing Park are to be found in the Landscape and Capacity Assessment dated March 2017 by The Landscape Partnership ⁸, which was commissioned by the **SNPSG** as part of the **SNP** evidence base.

Express reliance is placed upon that Assessment, including with regard to the full appreciation of the landscape and its capacity, where appreciations and descriptions of the extensive and important views are given:

- from The Downs
- from the High Street
- into the High Street
- beyond the High Street, represented by the views of the Parish Church, St Mary’s the Virgin and its tower with spire
- from the three PROWs to within the **Sites**
- from viewpoints on the western side of Stebbing Brook valley to the **Sites**

The Landscape and Capacity Assessment concluded that the **Sites** were located within Landscape Parcel 37 with Low Landscape Capacity. Any development within the parcel would:

“have significant adverse effects on the historic integrity of the village and development, the settings of Listed Buildings, and/or the attractive views and vistas that are available from points within the village”.

The openness, tranquillity and rural nature of the **Sites**, their substantial sizes, sloping landforms, the presence and extent of the PROWs and the near as well as long distance views enjoyed from and into the **Sites** as well as from and to the CA and the PROWS, each make vital contributions to the character of the countryside setting to the western core of Stebbing village and form an integral part of its wider, verdant and spacious landscape. They support an appreciation of the agricultural history of Stebbing

⁸ [https://www.uttlesford.gov.uk/media/6859/Stebbing-Neighbourhood-Plan-Landscape-Sensitivity-and-Capacity-Appraisal/pdf/Parish of Stebbing Landscape Sensitivity Capacity Appraisal report.pdf?m=636288814692770000](https://www.uttlesford.gov.uk/media/6859/Stebbing-Neighbourhood-Plan-Landscape-Sensitivity-and-Capacity-Appraisal/pdf/Parish%20of%20Stebbing%20Landscape%20Sensitivity%20Capacity%20Appraisal%20report.pdf?m=636288814692770000)

Park Farm, its Manor House and go to explain in a manorial context the reason for its isolation from the historic housing in the remainder of the High Street. This will be seen in contrast with the locations of the farmsteads at Town Farm, White Hart Farm, which lay on the High Street itself and Church Farm at Church End, whose placing, without manorial status, can be appreciated as being within the civic body and bustle of the mediaeval and later communities.

It might be considered that the three PROWs Stebbing 10, 12 and 21 which extend through the **Sites** are the most sensitive receptor points from which to assess visual impacts. Given the way how each ancient PROW sets its way through and are integral to the **Sites**, the impacts of development would be very considerable on these receptors. Mitigation in the form of boundary treatment and other planting within the plots could not alter the extent of such impacts, even after 15 years.

Since the **Sites** are unimproved permanent pasture and grazing land, those very qualities make them the more remarkable and important in both visual and ecological terms and particularly for a local area such as Stebbing which is dominated by large fields dedicated to the intensive arable production of combinable crops. They are the only examples of farm land use of that pastoral type remaining in Stebbing. The significance and rarity of grazing land running along the length of the valley form, all being traversed by PROWs, is quite remarkable also for its ease of accessibility by PROWs beginning right in the centre of the village.

Moreover, regard must be paid to the opinion of Historic England ("HE") as to the setting of and harm to the relevant Heritage Assets and Conservation Area in their letter to you of 5 March 2025. HE states (inter alia):

"The introduction of built form in this location would be disruptive in views of the Stebbing Park group, affecting its prominence and with it our ability to understand these assets and their relationship in the 'landscape'. The harm to the conservation area would be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special character."

It is submitted that this alien development proposal does not preserve nor enhance the open and historic settings of The Mount and Stebbing Park, but on the contrary, would provide permanent and irremediable harm to them.

The eastern boundaries of the **Sites**, provided by the High Steet and The Downs, mark the boundary of built development in those locations. The western boundary of the **North Site** leads to open countryside and that of the **South Site** is bounded only by The Mount and the group of historic buildings at Stebbing Park. Thus, the proposal would bring an unacceptable and very substantial urban edge to the last remaining open gap in the western section of the core of historic Stebbing. The isolated setting of Stebbing Park, by contrast, contributes positively to a sense of separation between it in its rural context and the twentieth century spread of housing which can be experienced outside of the village core.

Quite apart from the above landscape considerations, the proposed built development with its inward and discordant form of layouts and building heights, which incorporate suspended exterior decking platforms (seemingly "on stilts"), will introduce an alien, thoroughly incongruous and suburban type of development that is fundamentally at variance and out of context with both the linear built form and organic character of the historic High Street and CA.

The landscape features suggested to be incorporated through the development do nothing to mitigate the harms described, since the result would be the creation of landscape “belts” around each of the four development plots and which further emphasise their “platform” appearance.

Two large drainage basins, 1.4m deep, are proposed to be created, one in the **North Site** having a volume of 775 m³ and one in the **South Site** having a volume of 640 m³ ⁹. The earth works associated with creation of the drainage system would inevitably have significant adverse effects upon the existing landform.

As to necessary earthworks, there is a complete absence of detail as to the extent required to construct the lay out for this development, not the least concerning Plot D in the **South Site** as regards the dwellings to be constructed adjacent to the High Street, and where the very irregular and undulating ground is at its least favourable for easy (and economical) development. Omissions of such detailed workings have unfortunately prevented us from making a full appreciation of such matters. We are however, able to remark upon and draw your attention to the unsuitability of stepped rear access leading to the undercrofts proposed to be provided to the “Alms’ Houses”. A scheme intended to provide accommodation to those who might use wheelchairs or children’s prams and buggies seems to us to be thoroughly inappropriate.

Any earthworks required and the landscaping proposed would however be entirely discordant with the natural land form of the **Sites** and this would be particularly the case in respect of the **South Site**, where they would provide a complete contrast with the conical shape and massive appearance presented by The Mount, the land form on which it sits and the spur out of which it was created

Regard should also be had to the separation existing between the character areas of Stebbing with its distinctive “ends” (as described in Chapter 2 of the **SNP**). The separation would not simply be penetrated by this proposal in an unobtrusive way but, rather, it would be utterly ruptured. The resulting consequence of the proposal would be the joinder of the village core with of that different character area lying to its north at Bran End.

It will be seen therefore that the impact of the proposed development would be extensive, despite planting mitigation, and all suggested landscaping would have a major adverse impact on the area’s existing topography. The entire open character of the **Sites** would change causing, it is submitted, impermissible prejudice to the settings of the CA and the high status heritage assets of The Mount and Stebbing Park.

Developing the **Sites** for housing would result in the coalescence of the Conservation Area with housing to the north. This would reduce the legibility of the historic core and would not reflect its historic settlement pattern which is a vital contributor to its historic and architectural interest.

SNPSG assessed the **Sites**, together with 19 others, for the purposes of considering housing allocations as part of its evidence base towards making the **SNP**. Independent advice was provided by *Locality*, who engaged Urban Vision for the purpose ¹⁰. Their evaluation performed poorly as being “unsuitable” and the Sites were rejected.

⁹ Stantec FRA report, *passim*

¹⁰ https://www.uttlesford.gov.uk/media/11023/Stebbing-Site-Appraisals-Urban-Vision-April-2019/pdf/15_Urban_Vision_CIC_-_Stebbing_Site_Assessment_Mar_2019_V1.1_Final_.pdf?m=1683232824807

Local Green Spaces

The significance of the **Sites** is enhanced further by their designation and allocation as Local Green Spaces, as provided for under the **SNP** as **Policy STEB4** – Local Green Space as depicted by the Policy Maps at E and F, p 48 of **SNP**. The designation is intended to provide a long-lasting quality of openness and policy protection similar to that of Green Belts.

The open characteristic of the **Sites** may be understood when they are further appreciated as two parts of the three designated LGS lying in the centre of the village. Together with LGS Site A, Mill Lane Recreation Ground, they extend northwards from Mill Lane, providing a continuous green wedge which, using the PROWs 21 and 12, reaches Bran End via the water meadows on the valley floor adjacent to the **North Site**.

Any development of the **Sites** would violate the joint contribution provided by all three LGS, as described and envisaged in the LGS Assessment, to which the Inspector is respectfully referred and asked to consider ¹¹.

The degree of rarity presented by three contiguous LGS, when seen and acting in combination, must be recognised as very precious, being set:

- within the core of a mediaeval village
- adjacent to
 - a Norman Motte Castle;
 - the other listed and non-listed heritage assets; and
 - the CA

That very rarity deserves the full recognition which has been accorded locally by the **SNP** (through its treatment as part of the Development Plan) but furthermore by National Policy and Guidance concerning Green Belt.

We refer further to the policy considerations applicable to Green Belt below.

DEVELOPMENT PLAN AND POLICIES

The planning system, being plan-led, requires the decision-maker is to consider whether or not an application is in conformity with the Development Plan, unless material considerations indicate otherwise.

The policies of the relevant Development Plan against which this Application is to be tested are:

Uttlesford Local Plan 2005 ("**ULP**") – the Saved Policies

- Policy S7 – The Countryside
- Policy ENV1 – Design of Development within Conservation Areas
- Policy ENV2 – Development affecting Listed Buildings
- Policy ENV3 – Open Spaces and Trees
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

¹¹ https://www.uttlesford.gov.uk/media/11025/Appendix-E-Local-green-space-designation-policy-assessment/pdf/17_LGS_Assessment_v10_31_08_20.pdf?m=638194989232430000

- Policy ENV7 – The Protection of the Natural Environment
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
- Policy ENV9 - Historic Landscapes
- Policy GEN2 - Design
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy H9 – Affordable Housing

and

Stebbing Neighbourhood Plan 2022 (“**SNP**”)

The Core Objectives of the **SNP** include:

- “i. To conserve and enhance the heritage and distinctive historic character of the Parish, its village, surrounding settlements and each of their respective landscape settings.
- ii. To protect the key environmental features of the Parish, multi-functional green infrastructure including footpaths, hedgerows and wildlife sites and in so doing, improving health and wellbeing.
- iv. To respect, preserve and enhance the character and setting of the various settlements and hamlets which make up the parish and protect their individual identities.
- ix. To ensure that any new development is sympathetic to the character and beauty of the Parish in design and appearance matters and that it makes a positive contribution to its surroundings, with particular emphasis on small scale organic growth.
- xiii. To balance the amount of new development with the capacity and potential expansion of the village Primary School to meet the primary school education needs of the Parish.

(Note: this core objective applies to all topic chapters).”

The development proposed does not meet the Core Objectives of the **SNP**, which were formulated to respect and reflect the strong views expressed by the local residents through extensive community engagement described above.

The development does not comply with the **SNP** policies as to landscape, heritage, the countryside, important open gaps, important and protected views and the natural environment in the respects described further below.

The made Policies of the **SNP** ¹² are:

- STEB1 – Respecting Stebbing’s Heritage- Design and Character
- STEB2 - Green Infrastructure and Development
- STEB4 - Local Green Space
- STEB6 – Important Open Gaps

¹² https://assets.publishing.service.gov.uk/media/67bc979998ea2db44fadddb0/Stebbing_NeighbourhoodPlan_Redacted.pdf

- STEB7 – Important and Protected Views
- STEB9 – Design Principles and Location of New Development
- STEB10 – Meeting Local Needs
- STEB11 - Affordable Homes
- STEB13 – Managing Flood Risk and Drought Mitigation
- STEB19 – Protection and Provision of Open Space, Sports Facilities and Playing Pitches
- STEB20 – Protection of Leisure and Community Facilities

The **ULP** and the **SNP** make up the Development Plan for the District. Reliance is placed upon the provisions of the individual policies cited above, but which, for reasons of brevity, are not set out in full in these representations but the Inspector is respectfully referred to them.

It is accepted by the Applicants that the development is not on its face in conformity with the Development Plan, including in particular with the **SNP**, but they seek to downplay its non-conformity with regards to the allocation of Local Green Spaces as a mere “policy tension”¹³. That is a fallacy – the scheme is entirely at odds and conflicts with several **SNP** Policies.

Moreover, the proposal would also be contrary to Paragraph 135(c) of NPPF, which seeks, among other matters, development that is sympathetic to local character. There would also be a conflict with Paragraph 187 of NPPF which requires development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

MAIN ISSUES

In our respectful submission, the Main Issues arising are the effect of the development proposal on:

- a. the character and appearance of the surrounding area, including in respect of its:
 - i. landscape;
 - ii. settlement form; and
 - iii. streetscape
- b. the Heritage Assets, namely:
 - i. The Mount and surrounding Moat (a Scheduled Monument);
 - ii. the Grade II* listed Stebbing Park (being the manorial house - Stebbing Hall);
 - iii. the Grade II listed Stebbing Park Barn;
 - iv. the non-designated heritage assets, namely:
 - aa. the mediaeval fish pond
 - bb. the mediaeval Deer Park
 - cc. the pale of the mediaeval Deer Park
 - dd. the remains of the Manorial Pound
 - ee. Stebbing Brook
- c. the setting of the Heritage Assets and/or their preservation;
- d. the character and/or appearance of the Stebbing Conservation Area (“CA”);
- e. the designated Local Green Spaces, namely as they relate to the **Sites** when considered:
 - i. singly;
 - ii. together, in combination with each other;

¹³ Paragraphs 10.7 and 10.10 of the Planning Statement

- iii. together, in combination with Mill Lane Recreation Ground; and/or
 - iv. together, in combination with the CA
 - f. protected species;
 - g. drainage and flood risks;
- and whether:
- h. any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole;
 - i. specific NPPF policies indicate the development should be refused;
 - j. the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so that they amount to the “very special circumstances” necessary to justify the development; and
 - k. (only if and to the extent arising and without prejudice to the Main Issues), whether the Application makes any or any adequate provision for necessary planning obligations.

SUITABILITY OF THE SITES

Policy S7 of **ULP** relates to development within the countryside which is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. It states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

The **Sites** lie within the open countryside and there is no substantive evidence that there is a specific need for the development to take place in that particular location, meaning that there are no better or alternative locations.

Paragraph 6.14 of **ULP** states that sensitive infilling of small gaps in small groups of houses outside the development limits will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development. It is submitted that it is obvious that on none of these bases does this development meet those tests. It is not/does not represent:

- sensitive infilling of small gaps in small groups of houses
- in character with the surroundings
- have limited impact on the countryside in its present context

Policy S7 of **ULP** where it refers to “protection for its own sake” is partly compliant with the NPPF, as determined by the compatibility assessment adopted by UDC for Development Management Purposes in September 2012 following a review¹⁴ undertaken by Miss Ann Skippers, but its remaining provisions were found to be (and indeed are, it is submitted) compliant.

The Policies contained in the **SNP** (which was, incidentally, also examined by Miss Skippers) were found to be “sound” and compliant with legislation, guidance and consistent with the NPPF.

SNP Policy STEB9 [“Development within the defined countryside”] states that in order to protect the intrinsic character of the countryside, support will only be given to certain types of development, and

¹⁴ https://www.uttlesford.gov.uk/media/1478/Uttlesford-Local-Plan-2005-National-Planning-Policy-Framework-Compatibility-Assessment/pdf/Local_Plan_NPPF_Review_Sept_2012.pdf?m=638194996610470000

of those listed there, it supports infilling of small gaps in small groups of houses which would be in character with its surroundings and with limited impact on the countryside.

This development cannot be regarded as infilling a small gap within a group of houses, with a limited impact on the countryside.

Paragraph 219 of the NPPF states that due weight should be given to the degree of compliance of relevant policies with the NPPF. **SNPSG** would like to emphasise the consistency of the **SNP** policies with the NPPF edition 2021 governing when it was made. In their submission, it also complies with its subsequent iteration in 2024.

It is said of the **Sites** by the Applicants that they are sustainable by reason of the existence in the Village of a Primary School, Church, Public House and a Community Shop and that the Parish is served by two bus services. The Community Shop is operated by volunteers and does not provide sufficient choice to enable a full household shop to be undertaken there. So, a supermarket shop has to be undertaken in Great Dunmow to which it is necessary to travel also for a medical prescription or a Doctor's appointment.

However, sustainability in terms of the NPPF is much more than proximity to these types of facilities – it is more holistic.

While the limited facilities described do exist, the real sustainability of the **Sites** in the context of accessibility by public transport modes is illusory. A qualitative assessment of the journey times, convenience, frequency and reliability of the existing bus service and measures proposed for active travel reveal the very limited degree of genuine travel choice, which would therefore remain that by the private car.

In any event, it is not possible to guarantee the continuity of the existing bus services which are very poorly supported by residents. This is true of all the rural villages in Uttlesford, where only 5 bus journeys per head of population are undertaken annually, compared with the Essex average of 20¹⁵. The reason is infrequency of service. The bus services are operated commercially and are not in receipt of any subsidy from Essex County Council and thus are prone to being withdrawn. An example of this has just occurred, in March 2025, in relation to a service (133) operating nearby from Braintree to Stansted Airport (via Rayne, Felsted, Flitch Green, Little Dunmow, Great Dunmow and Takeley) which is to be withdrawn in June 2025 by its operator, because it is not commercially viable.

Thus, given the lack of usage of the current bus service by Stebbing residents and its resulting lack of commercial viability, there is no certainty that the Stebbing bus service can be relied upon to operate in the immediate let alone long-term future so as to render the development genuinely sustainable. Accordingly, the proposition of sustainability is open to critical challenge. The **Sites** cannot properly be described as other than in a poor location in relation to sustainable transport facilities giving a genuine choice, contrary to Paragraphs 115 et seq. of NPPF.

LOCAL GREEN SPACE DESIGNATION

Policy provisions concerning the designation of Local Green Space appear in Chapter 8 of the NPPF 2024, *Promoting healthy and safe communities*. They have not been amended despite several

¹⁵ <https://www.essexhighways.org/uploads/downloads/Area-bus-network-reviews.zip>

consultations upon and subsequent iterations of the NPPF. Provisions as to the protection of Green Belt land appear in Chapter 14. The designations of LGS provide the same level of protection as Green Belt to those LGS areas. They therefore carry more weight to them than any other local landscape designation.

Provisions as to the designation of Local Green Spaces, and their associated policy context, are contained in the following paragraphs of the NPPF 2024, which bear repetition:

“106. 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. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

107. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

108. Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in Chapter 13 of this Framework ^{fn 45}.

^{fn. 45.} Excluding provisions relating to grey belt and previously developed land and set out in chapter 13.

142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

143. Green Belt serves five purposes:

- c) to assist in safeguarding the countryside from encroachment;

153. When considering any planning Application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ 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.

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);”

LGS need to have a unique combination of local reasons that need to be applied so as to satisfy the relevant tests. Evidence of these reasons is found in the LGS Assessment at pp 23 -33, which the Inspector is invited to read ¹⁶. The LGS Assessment did also reflect the views generally of over 95% of the Residents of Stebbing who responded to the Survey described above, stating that Stebbing’s “landscape, environment, wildlife habitats and historic environment are all important/very important” to them.

It will be noted further that Miss Ann Skippers, the Independent Examiner of the **SNP**, at pages 19 – 23 of her Report dated 11 February 2022 ¹⁷, in undertaking a critical review, found that the **Sites** (together with five others) satisfied the necessary criteria for designation as Local Green Spaces. She found however, that one site which had been put forward for designation did not in her opinion satisfy the tests and it was as a result omitted from the Referendum Version of the **SNP**.

The development proposed adversely affects not only both **Sites** as regards their LGS allocated status and purpose but also the network made up with the LGS of Mill Lane Recreation Ground together with the extensive water meadows to the north of **North Site**. The development proposed should therefore be seen in its greater context.

SNPSG wishes to emphasise that they consider the Application contains a fundamental error as regards the application of the policy applicable to the designated LGS. The Applicants claim their proposals would “activate” the LGS. That is a misnomer and indeed amounts to an illegitimate approach to be taken and which is not properly open to the Applicants. The LGS do not require nor permit “activation” of any type nor extent and **NO** further steps are required nor indeed permissible in way of varying its designation under **SNP** Policy STEB4. The LGS designation arises and is a creature of a “standalone” policy.

Moreover, the LGS are, by their designation, the subject of express “protection” and any purported activation (howsoever mistakenly defined or described in what appear to be attempts to conflate the very different open and/or green space concepts) would not afford the protection of their permanent openness and the other local characteristics which justified their **SNP Policy** designation, which were found to be their beauty, historic importance, recreational value, tranquillity and richness of wildlife.

The Applicant’s attempts to treat the LGS as “open space” are entirely mischievous, since the LGS are not allocated as mere open or public space. The LGS has an express protection and is accorded a higher status than mere open or public space. The “activation” which the Applicants have in mind, including the creation of community orchards, play areas, and areas for the holding of community events would introduce human and pet movement, activity, noise and lighting all of which would be the very antithesis of the qualities described as being especially valuable to the community and fully described in the LGS Assessment.

¹⁴ https://www.uttlesford.gov.uk/media/11025/Appendix-E-Local-green-space-designation-policy-assessment/pdf/17_LGS_Assessment_v10_31_08_20.pdf?m=1683902123243

¹⁷ https://www.uttlesford.gov.uk/media/11296/Examiner-s-report-on-the-Stebbing-Neighbourhood-Development-Plan-2019-2033/pdf/Examiner_Report_UDC_StebbingNDPA.pdf?m=638194995872630000

Any suggested development of the LGS in the context of Green Belt considerations gives rise to different matters and to which reference is made further below.

PUBLIC RIGHTS OF WAY

The very great importance and value in terms of health benefits, tranquillity, public good and community spirit represented by the PROW network in Stebbing, including in particular the three PROWs Stebbing 10, 12 and 21 which traverse the **Sites**, is very clearly described in the representations of Mr Brian Martin, the Parish PROW (P3) Representative, and the Inspector is asked to pay particular regard to his views and concerns concerning the proposal and to which considerable weight should be accorded.

Paragraph 105 of NPPF requires that PROWs are protected and enhanced. The proposal regrettably does nothing to protect nor enhance the three PROWs which traverse the **Sites**.

GREEN BELT HARM AND THE VERY SPECIAL CIRCUMSTANCES TEST

As provided in Paragraph 154 of NPPF 2024, development in the Green Belt is by definition inappropriate.

So, Very Special Circumstances (“VSC”) are needed before inappropriate development in the Green Belt can be permitted. The application of such policy requires real regard to the importance of the Green Belt and the seriousness of any harm to it.

LGS have protection against development consistent with protection of land areas within the Green Belt. Accordingly, the **Sites** fall to be considered as Green Belt for the purposes of development management (but excluding provisions concerning Grey Belt).

To the extent that it suggested by the Applicant that the following considerations are relevant and/or present in consideration of the “very exceptional circumstances” test, they are we submit not sufficient alone nor cumulatively to amount to VSC:

- Green Belt Review and Release
 - UDC has not seen any necessity to release Green Belt to meet its housing development requirements. There is ample non-Green Belt land in the District
- Draft Local Plan Allocation
 - UDC did not allocate the **Sites** as part of its proposed allocations in either of the draft Local Plan iterations made in 2017 and 2024 nor in the version currently submitted for Examination in Public. The current emerging Local Plan proposes urban extensions that have been fully assessed and they have found to be the most sustainable to meet future housing requirements, coupled with provision through Neighbourhood Plans.
- Affordable Housing Need
 - Under the emerging new Local Plan, it is proposed that affordable housing need be supplied in locations which are considered to be the most sustainable in terms of transport, employment and services. Stebbing is not a settlement considered to be among the most sustainable.
 - Under the emerging Local Plan, Stebbing being a “larger village” is expected to find a housing allocation of 109 dwellings. The Parish Council has resolved

to accommodate this provision and the **SNPSG** has, as mandated by the PC, commenced work on a review and update to the **SNP** in light thereof. Accordingly, it should be left to Stebbing Parish to achieve this draft policy aim and provide for development in locations considered by it as appropriate based on Policy, the evidence and then tested by Referendum. **SNPSG** does not regard itself as a blocker to development but will take up the challenge of allocation itself pursuant to the NP process as provided for in the emerging LP.

- Self-Build Housing
 - There are four expressions of interest for self-build housing plots in Stebbing registered by UDC¹⁸ as at December 2023. The demand in the District for self-build housing is mainly concentrated in Saffron Walden and Great Dunmow with 56 % of the demand being for 4 + bedroom dwellings. UDC has in fact permitted sufficient suitable plots to meet the demand identified on the register for all relevant base periods. There is however no evidence of demand in Stebbing for 3 bedroom self-build dwellings as proposed to be developed on the Sites. The unknown design and style of such units cannot be guaranteed to be appropriate for development in Stebbing let alone upon the **South Site**, located so close to The Mount and Stebbing Park.
- Exemplar Development and Performance
 - There is no evidence supplied of such claimed for exemplar development having been accomplished by the Applicants. The only one of which we are aware, *The Stag* at Little Easton, was not developed out by them; in fact, the site was sold to others promptly after permission was obtained and who after acquisition sought and obtained an increase in permissioned dwelling numbers and changes in design.

The applicants are completely unable to demonstrate “very special circumstances” justifying breach of Green Belt development policies as they apply by reason of the LGS designations of the **Sites**.

Moreover, there are seven other NPs made in Uttlesford which do contain LGS designations, numbering 37 in total . Interestingly, those designations have also been contained in NPs relating to three of the district’s historic villages, rather than in its larger towns/settlements. This tends to suggest that LGS as a potential land use policy has been found by the residents in those historic villages to be of greater application than by residents in larger settlements.

So, if this proposal were permitted in breach of **STEB4** – Local Green Space, it would provide an most unhelpful precedent which would be seized upon and doubtless prayed in aid by other opportunistic, speculative promoters and land owners seeking to overcome policies made in other NPs in the District. As a matter of policy, therefore, this should not be encouraged by a precedent set in Stebbing.

It should be restated and emphasised that the proposed development does not amount to “limited infilling” in the village of Stebbing and thus neither of the exceptions in Paragraph 154 of NPPF apply in the instance of this Application.

¹⁸ <https://www.uttlesford.gov.uk/media/12966/Self-build-and-Custom-Housebuilding-Progress-Report-December-2023/pdf/Self-build-and-Custom-Housebuilding-Progress-Report-2023.pdf?m=1710492228967>

Finally, it will be understood that this is not the only site potentially available and so this would weigh against public benefits of development in this location as opposed to other areas where there would be no or less adverse impacts made possible by suitable mitigation.

HERITAGE AND HERITAGE BALANCE

The Mount, including its moat, is a Scheduled Monument and is entirely flanked on its eastern aspect by the **South Site**. It might be restated that the **Sites** together surround the northern and eastern boundary and the setting of each and all of The Mount and moat, the Grade II* listed manor house of Stebbing Park, The Barn, a Grade II listed mediaeval granary and the farmstead group.

The **Sites** all provide part of the setting of Stebbing Park and The Mount, along with adjacent fields which historically were used as permanent pasture and grazing meadows in connection with animal husbandry which was practised for decades at Stebbing Park Farm.

Consequently, as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether planning permission might be given for development which affects the setting of the heritage assets described, special regard must be had to the desirability of preserving the setting of these historic assets. Guidance from Historic England: The Setting of Heritage Assets (2015) is a material consideration, as is the NPPF.

Some of the significance of Stebbing Park may be derived from its status as set out in the listing description but further, its isolated setting contributes to its importance and significance as a manor house.

It is beyond question that Stebbing Park for its historic, manorial, agricultural and rural context can still be and is appreciated and understood by village residents, as well as visiting walkers and ramblers alike, while they traverse three Stebbing PROWs 10, 12 and 21 which cross the **Sites** in its vicinity.

The **Sites** do provide a qualitative understanding of the significance of Stebbing Park as the principal manor house in the core of the village. The **Sites** today still provide the qualities of seclusion, quiet and tranquillity which would reasonably have been associated with a manor house protected by its Motte Castle, deliberately set on a prominent defensive spur.

The development seeks to site up to 28 houses, access roads, driveways, exterior decking areas, gardens and drainage within the setting of The Mount and Stebbing Park. Consequently, the ability to appreciate the significance of The Mount and Stebbing Park in their historic, manorial and rural setting would be severely prejudiced.

The development proposed would not only visually compete with and distract from the special local landmark quality of The Mount and Stebbing Park but also cause the urbanisation of this part of the open rural countryside.

The proposed development would result in a sprawling effect extending the built environment outside the linear pattern of development experienced within this part of the High Street and The Downs, causing harm to the rural character of the area.

The Applicants suggest that the area(s) of open space designed in the layout of the development is in order to provide an element of protection for the rural setting for The Mount and Stebbing Park. However, the nature and scale of such development proposed would be alien to the current landscape

and the historic village core. Their setting would not be preserved by the development and it follows that the proposal would conflict with legislation, the **ULP** and **SNP** Policies and of the NPPF which require protection of the historic environment.

SNPSG considers that the Applicant's Heritage Impact Assessment seriously undervalues the importance and significance of the heritage assets and the harm that would result from the proposed development. The conclusion at paragraph 7.4:

"that the proposed scheme of 28 residential dwellings is not harmful to heritage significance and that the scheme complies with Local Policy (ENV1 and ENV2)"

beggars belief. It surely needs no emphasis that The Mount and Stebbing Park are by their status protected through national means, not mere local policies.

Although the Heritage Consultants claim that they have followed Historic England's Good Practice Advice Notes (GPA1-3), it is considered that their assessment and judgement is seriously flawed. In the view of **SNPSG**, the proposal would lead to a level of harm that verges towards substantial. It is considered that the magnitude of impact would be high and adverse in its effect.

Moreover, the views of Historic England that you and UDC received are clear and must be fully respected.

However, while it is considered that the development proposal would lead to "less than substantial harm" to the significance of the designated heritage assets, then as set out in paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal. **SNPSG** considers those benefits do not outweigh the heritage harm and invite the Inspector to find to that effect.

The applicants suggest that the public benefits would include economic benefits derived from the provision of up to 28 homes of which 14 would be affordable housing and 3 self-build homes.

Para 212 of NPPF advises that great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm.

The Mount (SM) and Stebbing Park (listed Grade II*) are classed as among the most important assets and for this purpose their setting is, on the high authority of the Court of Appeal in Monkhill ¹⁹, included for the purposes of determining weight.

Additionally, the setting of the CA falls to be considered, together with the collective impact to the sense of a historical village, the 68 listed buildings situated in the High Street, The Downs and at Church End. The Parish in fact, boasts of 155 listed properties in toto.

For reasons set out above, given that the proposal would result in the loss of substantial areas of the immediate settings of The Mount and Stebbing Park (defined in the widest sense), it would severely reduce the contribution this currently makes to the significance of these heritage assets and the CA.

It is submitted that this harm is not outweighed by the public benefits claimed for.

¹⁹ <https://www.bailii.org/ew/cases/EWCA/Civ/2021/74.html>

BEST AND MOST VERSATILE AGRICULTURAL LAND

Not only are the **Sites** classed BMVAL Grade 3A, but they have a unique quality of being unimproved grassland. Their significance is more particularly described in the representations of others. The proposal, it is submitted, does not sufficiently recognise its benefits and significance, contrary to Paragraph 186 of NPPF.

ECOLOGY – PROTECTED SPECIES

There are several protected species present and active across the **Sites** including in particular bats and badgers, the latter of whose presence has inexplicably not been acknowledged by the Applicants' consultants. The proposed landscaping and boundary treatments of each dwelling plot would introduce a permanent barrier into the foraging areas and commuting routes of badgers and isolate parts of its territory. It would also result in a loss of vegetation which provides cover for this species and introduce increased disturbance across these areas.

The introduction of non wild-life sensitive lighting, if not supported by a lux contour lighting plan, upon the **Sites** would have a deleterious effect on both protected species' nocturnal behaviour. All of these effects are discouraged in standing advice from Natural England ²⁰ regarding these protected species. The proposal would cause harm to both species.

Inadequate survey work has been undertaken regarding the badger species, thus not meeting the requirements of NPPF, section 99 of OPDM Circular 06/2005 and the Conservation of Habitats and Species Regulations 2017 (as amended) and others, including wintering birds, dormice, red squirrels, hedgehogs, deer and owls, all of whom are present on the **Sites**.

Section 99 states:

“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations before permission is granted”

No survey in respect of badgers has been undertaken. There is therefore, insufficient information available on protected species for determination of this Application, which therefore conflicts with the Development Plan and the NPPF, and should on this account also, be refused.

SEWERAGE, DRAINAGE, SOILS AND HYDROLOGY/FLOODING

²⁰ <https://www.gov.uk/guidance/badgers-advice-for-making-planning-decisions>

A soils assessment and hydrological impact assessment have not been provided. Accordingly, comment is reserved in relation to potential issues arising in these contexts, given the presence of water issues, meaning sinks, collects and issues and thus natural flows present in both **Sites**.

The significance of the stream which flows through the culvert under the High Street into the **South Site** and thence into the lake at Stebbing Park, adjacent to The Mount, has not been fully taken into account.

These and other deficiencies and omissions appear to have led to **holding objections** by Anglian Water and ECC (as LFFA).

It must be remembered that all sewerage from the **Sites** will have to be pumped up hill, giving rise to maintenance obligations and associated costs.

AMENITY, NOISE, LIGHTING AND DISTURBANCE

There would be particular harm brought about by this proposal upon the amenity of the owners and occupiers of '*Falcons*' and '*Laurel House*', being the dwellings which are immediately adjacent to the **North Site** and **South Site** respectively.

The extent of such harm cannot be fully measured in the absence of an assessment of the zones of theoretical visibility which is necessary given the complex topography of the Sites and the lack of detailed drawings concerning the heights of the dwellings proposed and their respective topographical locations.

The development proposed would however lead to increased noise and lighting generally across both **Sites** which would destroy their tranquil character. "Tranquillity" can be helpfully defined ²¹as:

"The quality of calm experienced in places with mainly natural features and activities, free from disturbance from manmade ones"

CPRE's research (2023) revealed that tranquillity one of the reasons given in 23% of LGS designations.

The wildlife present at the **Sites** at the time of survey by SNPSG is shown detailed in the **SNP** evidence base in support of the LGS designations, to which the Inspector is respectfully referred.

Accordingly, the proposed development would result in loss and deterioration of the natural environment and harm to protected species, in conflict with **LP** Policies **ENV 7** and **GEN7** of the Local Plan which seek to protect the natural environment and habitats and as regards noise and tranquillity, with Paragraph 187 of the NPPF.

This is not outweighed by any facilitation of recreation, health or wellbeing benefits to be gained by the opening up through limited access in way of members of the public walking through a housing development.

In any event, the public already has access via the **Sites** through use of the three PROW's that traverse both and which providing both means of exercise and the enjoyment of both long distance views and

²¹ <https://www.cpre.org.uk/explainer/why-tranquillity-matters-for-the-future-of-the-countryside/>

immediate views of the heritage assets, as well as appreciation of the natural environment, all frequently described by consultation respondents.

The type and level of lighting proposed would be totally different from the low level “traditional” low intensity public lighting provided in the core of the village by the Parish Council. If any lighting were to be provided on the Sites, it should replicate that existing on the High Street and The Downs.

LOCAL HOUSING SUPPLY

A total of 50 market and affordable houses have been permissioned in Stebbing since 2018, exceeding the indicative housing requirement of 25 dwellings provided by UDC for the period 2019 – 2033 (see paragraph 6.4 of **SNP**). As will be seen on a visit to the Parish, there are 12 dwellings currently under construction.

There are three dwellings on Warehouse, built following the **SNP** allocation, which have remained unsold for several months which we suggest reflects a lack currently of local housing demand.

PARKING OFFERING

The proposal involves a parking area, to be located in Plot D of the **South Site**, of public car parking spaces.

This means that all householders (including those least able living in the affordable dwellings to afford the cost) on the **Sites** would be responsible proportionately for the cost of maintenance of these spaces. The practicality and mechanism of providing some spaces to be used by parents for school drop-off and pick-ups has not been addressed. It may be considered however, as many parent residents have suggested in their consultation representations, that the reality is that the spaces are unlikely to be used for that purpose, with parents preferring to park on The High Street and The Downs, as they do currently, in the interests of convenience and speed.

The proposal, in the absence of a proposed unencumbered land transfer to Essex County Council of the public parking area for express use by parents at the School, and dedicated to school purposes, should be seen for what it is – an idle and meaningless puff and certainly not as a true public benefit to which any weight may properly be given.

CONSULTATION

The Applicants seek to make much of the public consultation undertaken by them. This is fallacious as will be seen from the very limited extent of substantive participation. Only 13 of the few (68) presumed residents of Stebbing attended the only public consultation event which was held, nearly three years ago, on 22 June 2022. Such limited consultation is in marked contrast to the engagement undertaken as part of the preparatory work with the community, and responses received by **SNPSG** from residents which is described in Chapter 3 of the **SNP**.

If consultation is really to mean anything, then the Applicants are required to demonstrate both community need and the detailed means to satisfy it. They have done neither of these things, merely providing artists’ impressions of “community offerings”, for which there is no identified need. On the contrary, the offerings come with cost to be borne and responsibilities assumed – let these so called benefits be seen to be what they are – an ill-disguised attempt at a Trojan (Stebbing) Horse !

As to consultation at large, a very considerable number of objections were made to the Application when submitted for permission to UDC in 2023-2024, with two only in support, which in fact were seen to come from family and friends of the Applicants. At the date of these representations, well in excess of 100 informed objections to this Application have been submitted with none in support.

It will be recalled by contrast that the **SNP** received 97% positive support from the residents on a very substantial turn-out of 48% at the **SNP** Referendum. No other neighbourhood plan made in Uttlesford has achieved anything approaching such a high approval and turn-out.

The Applicants suggest that the extent and scope of the proposed development has evolved in full consultation with UDC pursuant to a “district wide” Planning Performance Agreement entered into by it. The Applicants complain that a second PPA was not entered into for reasons not explained. The first “district wide” PPA entered into seems to have been in way of a non-site specific form of promotion arrangement. This type of PPA is not properly reflective of good practice and is not provided for in Paragraphs 40 et seq of NPPF. Thus, its transparency and governance is questionable and it may explain why a second “promoter at large” type of PPA was in the event not agreed by UDC. None of these arrangements were put into the public domain for the purposes of public awareness nor consultation.

The Applicants seek in their Planning Statement to make much of PPA advice received from UDC which, it is claimed, was supportive of the proposal. That is not the full picture since the Officer in his Advice of 29 June 2023 ²² did not in fact support it.

The Officer’s Report dated 18 September 2024 which was presented to UDC Planning Committee, regrettably did not in our opinion, properly consider, assess and weigh the treatment of:

- I. Local Green Space
- II. Heritage Setting
- III. Statutory Advice (received from Historic England)

Reference has been made by the Applicant to its consultation with members of the Essex Quality Review Panel (“EQRP”). The validity of this exercise (the details of which have also not been put into the public domain) is not understood in circumstances where UDC had not at the material time publicised nor validated the use of EQRP. Its suitability and eligibility to consider this proposal which involves substantial landscape, heritage and Green Belt considerations is therefore moot.

Accordingly, it is not apparent what might have been the consideration given and applied by EQRP to matters extending to beyond mere design. With respect to it, it is not a statutory consultee and matters such as landscape setting, ecology and heritage considerations will not have been weighed in the same manner nor with the appropriate level of care as if advised upon by Statutory Consultees such as Historic England and Natural England. **SNPSG** challenges the relevance, weight and process of the input of EQRP on this particular occasion. The acceptability of the proposal to EQRP should be disregarded.

STATUTORY CONSULTEES

²² https://assets.publishing.service.gov.uk/media/67bc984298ea2db44fadddb5/utt.22.3508.pa_pre_app_response_Redacted.pdf

Historic England (“HE”) roundly objects to this Application, stating that it does not meet the requirements of paragraphs 212, 213 and 219 of NPPF] and advised in their letter to PINS of 5 March 2025 that:

“The development of for residential would introduce considerable instances of harm to the significance of the scheduled motte, grade II * listed building and conservation area. The introduction of built form in this location would be disruptive in views of the Stebbing Park group, affecting its prominence and with it our ability to understand these assets and their relationships in the landscape, The harm to the conservation area would be twofold: by diminishing the prominence of one of its key landmarks, and by eroding the rural feel that contributes strongly to its special character”

HE have also submitted a copy of their advice dated 15 November 2023 to UDC, where their views as to the Application were set out in greater detail, including a recommendation that the Application either be withdrawn or refused. The Inspector is respectfully referred to that advice for its full import.

It is respectfully submitted that the Inspector must, as a matter of established law, give great weight to the evidence of a Statutory Consultee. In this instance therefore, the evidence of HE must be accorded more weight than that of:

- The Local Authority; and/or
- The Applicant

The views of HE can, on Judicial Authority, only be departed from for “cogent reasons”²³.

No such reasons exist in this instance and the Inspector is accordingly, invited to reject the heritage assessment which has been submitted by the Applicant, which concluded that there is no harm to the heritage assets by reason of this development.

The Inspector is invited to give great weight to the evidence of HE and accord it full effect, and reject this Application on heritage grounds, in addition to others as may be found applicable.

PARAGRAPH 11d) NPPF

The provisions as to the presumption in favour of development – the “tilted balance” - in Paragraph 11d) of NPPF do not, in our submission, apply in this case.

This is an area upon which high judicial guidance has been given, including the seminal decision in the Court of Appeal in Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 74²⁴, upholding Holgate J at first instance in the Planning Court.

In consequence of the proper application of the principles enunciated there (and further approved in subsequent decisions), we consider that it will be demonstrated that this Application is a Paragraph 11d) **limb (i)** case and not a Paragraph 11d) **limb (ii)** case.

²³ <https://www.bailii.org/ew/cases/EWCA/Civ/2021/74.html>)

²⁴ <https://www.bailii.org/ew/cases/EWCA/Civ/2021/74.html>

Holgate J at paragraphs 39 and 45 of his Judgment provided a practical guide to the “meaning and effect” of Paragraph 11, which was later approved by the Court of Appeal. They include (to paraphrase):

- a. The presumption in favour of sustainable development included in Paragraph 11 does not displace section 38(6) of the Planning and Compulsory Purchase Act 2004, so that an application should be determined in accordance with the relevant policies in the Development Plan unless material considerations indicate otherwise;
- b. Where the most important development plan policies are out of date, permission should be granted (always however, subject to section 38(6)) *unless either* limb (i) *or* (ii) is satisfied;
- c. If *either* limb is satisfied, the presumption ceases to apply and so, where limb (i) is satisfied, then the entire presumption falls away;
- d. Where one or more footnote 7 (*the identical text was numbered 6 at the date of the Judgments*) policies is engaged, then the presumption is overcome or disapplied, where the individual or cumulative application of those policies provides a strong²⁵ reason for refusal;
- e. Where one or more footnote 7 policies is engaged, then the tilted balance cannot be relied upon under limb (ii). Limb (i) must be tested and applied before going on to consider whether or not limb (ii) should be applied.

[emphasis and italics supplied]

In this instance, not one but two footnote 7 policies are prima facie engaged, namely those protecting areas or assets of particular importance ie those relating to:

- Local Green Space; and
- designated heritage assets

It must be noted that Paragraph 11d) limb (i) refers to the protection of those assets, in contrast with the use of less prescriptive terms such as for example, “considered”; “measured”; “taken into account”; or “assessed”.

Moreover, as Holgate J stated at paragraph 47 of his Judgment in Monkhill (and quoted in Paragraph 17 of the Court of Appeal Judgment):

“In paragraph 11d i the reference to “protect” has its ordinary meaning to keep safe, defend and guard”

This Application, if permitted, would go no where near satisfying these definitional requirements as to protection.

We respectfully submit that the terms of the three pieces of Advice given by Historic England (“HE”), two to UDC in 2023 and 2024 and now to PINS in 2025 (to all of which full reference is hereby

²⁵ As amended by NPPF 2024

incorporated), which objects to the development in such strong and clear terms on heritage grounds, seeks to protect the heritage assets at risk in this case.

The terms of the Advice of itself provides a strong reason for refusing the development, thus satisfying limb (i) and disengages the tilted balance. In this connection, it will be recalled that HE went so far as to recommend to UDC that the Application be withdrawn or if not, refused.

In considering whether to grant planning permission, the Decision Maker is required to discharge the statutory duties imposed upon it by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering a development which affects a listed building or its setting, namely to have special regard:

- to the desirability of its preservation or its setting; or
- any features of historic interest

These, it must be appreciated, are paramount, having precedence over both Development Plan Policies and those contained in the NPPF.

“Preservation” furthermore, in this context, means protection. NPPF Paragraph 212 requires great weight to be given to the conservation of a heritage asset and the more important the asset, the greater weight should be.

The assets in question here are the most important in national terms being, in respect of The Mount, a Scheduled Monument (which was protected in the first wave of statutory recording in 1923) and of Stebbing Park, a Grade 2* listed manorial house. Furthermore, The Mount is rare being one example of only four Norman Motte Castles in Uttlesford, the others being at Stansted Mountfitchet, Great Canfield and Great Easton.

The significance of their settings in defensive positions in River Valleys (the Stort, the Roding, the Chelmer and Stebbing Brook) is material but has not been fully respected. The strategic aspect of the setting of The Mount was entirely ignored by UDC’s Heritage Adviser and the Applicant’s Heritage Consultants gave it scant consideration.

Caselaw has established that “considerable importance and weight” should be given to the conservation of heritage assets and that there is a strong presumption against granting planning permission for development which would fail to preserve the setting of a listed building, per the Judgments in the Barnwell Manor and Forge Field decisions ²⁶.

In addition, it perhaps might further need to be recalled from Barnwell that any finding of “less than substantial harm” does not mean that the preservation of the setting is diminished.

We wish to draw to your attention Secretary of State for Communities and Local Government v Steer /Catesby Estates Ltd v Steer ²⁷, an authority which requires that the advice of a Statutory Consultee should not be departed from except for strong and cogent reasons. No such reasons exist.

²⁶ Barnwell Manor: <http://www.bailii.org/ew/cases/EWCA/Civ/2014/137.html>
and Forge Field: <https://www.bailii.org/ew/cases/EWHC/Admin/2014/1895.html>

²⁷ Catesby Estates Ltd v Steer [2018] EWCA Civ 1697

The Courts have emphasised that the effect of a proposed development upon the setting of relevant heritage assets must be understood and appreciated. The Applicants' heritage consultant ascribed the nature of The Mount to be akin to "a garden folly". Such flip opinions, perhaps written and intended to be read as prejudicial, should be seen for what they are. Furthermore, the Applicant's Heritage consultant did not take sufficient account of the historic, social and economic connections between The Mount, Stebbing Park and the **Sites**. Their significance may however, be presumed to have been taken into account by HE as Statutory Consultees.

It is quite extraordinary that the applicant's heritage consultant considers that there is no harm caused to the setting of the heritage assets by this scheme. You are invited to reject wholeheartedly this opinion which has been submitted, it is to be noted, without bearing the Expert Witness' standard Statement of Truth.

We anticipate that you will undertake a site visit and be able to experience the proper significance and very rare qualities of The Mount, appreciating its imposing size, physical mass as well as its historical, visual setting and context and also those of Stebbing Park.

The application of footnote 7 policies leads to the protection of the **Sites** – matters such as those arising from other considerations do not, we submit, arise at this point of the required exercise. It is not open to the decision maker in reviewing the application of footnote 7, to consider at that stage of the exercise whether or not there are any public benefits of the scheme proposed.

Thus, having regard to all of these matters (namely the application of the statutory duties, relevant heritage policies and the LGS designations), there are strong reasons₂ (plural) why we submit limb Paragraph 11d) limb (i) is engaged and the tilted balance does not apply and we invite you to find accordingly.

UTTLESFORD LOCAL PLAN 2021-2041

On 18 December 2024, UDC submitted its Local Plan 2021 - 2041 for examination to the Planning Inspectorate and examination will commence on 10 June 2025. UDC anticipates the Local Plan's Adoption in 2026 ²⁸.

Stebbing Parish is regarded as a "Large Village" for the purposes of the spatial strategy set out in the Draft Local Plan and

Uttlesford's Housing Delivery Test measurement published by MHCLG on 7 February 2025 ²⁹ confirms that its 2023 HDT measurement is 69% and demonstrates that there was sharp upward trajectory in 2022-23 with 740 homes delivered against a requirement of 692. This compares with prior year delivery numbers of 340 (2020-21) and 208 (2021-22) respectively. Subsequent permitted major developments during 2024 and 2025 are numerous and the Inspector is respectfully encouraged to ask UDC to provide details thereof. As one example, an application for 72 dwellings at Baynard Avenue, adjacent to a modern housing estate on brownfield land, has been permitted in 2025 in Felsted/Fritch Green & Little Dunmow, adjacent Parishes to Stebbing. Even as recently as 9 April 2005, UDC's Planning Committee also approved permission for 100 dwellings (UTT/24/2242/OP).

²⁸ <https://www.localplanservices.co.uk/uttlesfordlpexamination>

²⁹ https://www.uttlesford.gov.uk/media/13376/5-year-Housing-Land-Supply-1-April-2024/pdf/Uttlesford_5-Year_Housing_Land_Supply_1_April_2024.pdf?m=1724171453827

These substantial increases in housing approvals and delivery, coupled with the progress made towards Local Plan making, are material considerations, we respectfully suggest, to be taken into account in the Planning Balance in way of demonstrating lack of immediate housing need in the vicinity and for refusing this Application.

PLANNING OBLIGATIONS

SNPG does not consider the Unilateral Undertaking proffered by way of section 106 is adequate for reasons to be set out separately by others. **SNPSG** requests the opportunity, without prejudice to the representations contained herein, to participate in any round-table consideration concerning it.

PLANNING BALANCE AND CONCLUSIONS

The overall level of harms identified arising from this proposal in respect of setting, heritage, landscape, views and locational policy are each individually significant but, additionally and cumulatively, carry substantial weight, given their nature. The harms do not outweigh the public benefits nor have the levels thereof been minimised by successful mitigation measures.

To amplify, we submit also that the preservation of the **Fields** as LGS in accordance with their specific connotations, namely being “Local”, “Green” and “Space” should be properly regarded as a public benefit for current and future generations.

Put quite simply, that aim is impossible given the factors at play. The positioning of the development in four parcels, in the manner described, utilising four roadway accesses on this topography, does nothing to protect important views, the valued historic rural landscape of Stebbing and the heritage settings. The Statutory protection required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must therefore be applied.

It will, we hope, be seen that the Applicant’s proposals amount to a clear “construct”, being an ill-disguised attempt at case building which contain an assemblage of so-called community benefits for which there is no evidenced need nor demonstrated actual benefit. These might appear attractive to the uninformed reader at first blush but in reality, are superficial and trite; they should be seen for what they really are.

The Applicants have furthermore, failed to demonstrate and justify the reasons why planning permission should be granted in this valued location on these **Sites**. It is the view of **SNPSG** that it would be perverse and grossly prejudicial to the plan-led system and in particular to the Policies of the **SNP** should this come about. In the event that the proposal is approved, in contravention of **SNP** Policies, it would be fair to state that it would be regarded as inimical not only it at a local and district level, but also to the consistent policy support accorded by successive Governments following the Localism Act 2011 to the value of Neighbourhood Planning.

Finally, in the event, contrary to our earlier submissions, it is found that the presumption at Paragraph 11d) of NPPF applies, Paragraph 14 of NPPF states applies the adverse impact of allowing a development which does conflict with the **NP**, is likely to significantly and demonstrably outweigh the benefits where the **NP** became part of the development Plan less than 5 years ago and contains policies (at Chapter 6) and allocations (at Chapter 10) to meet its identified housing requirement. This applies in the case of the **NP** and so, given the conflicts set out above, we urge you to decide that Paragraph 14 does bite on this Application.

We ask that you conclude that the proposed development conflicts with the Development Plan taken as a whole, and that the material considerations do not indicate that it should be decided other than in accordance with it.

We respectfully request that the Application for planning permission be refused.