

## FELSTED PARISH COUNCIL

### Minutes of the Planning Committee Meeting Tuesday 20<sup>th</sup> July 2021 on-line at 6 pm

Attending: Councillors Richard Freeman (Chairman), Andy Bennett, Alec Fox, Penny Learmonth and Roy Ramm. In attendance Clare Schorah - Assistant Clerk

#### 1. Apologies for Absence

Apologies were received from Cllr Graham Harvey

#### 2. Declarations of Interest

There were no declarations of interest

#### 3. Public Forum

There were no members of the public present.

#### 4. Approval of Minutes of Previous Meeting

The minutes of the June meeting were formally approved. They will be signed when the Planning Committee next physically meet.

#### 5. New Applications to be considered

[UTT/21/2014/FUL](#)

##### **Tinsley House Bartholomew Green Road**

Proposed field machinery store, garage, workshop, annexe and private domestic use only equestrian arena

*Comment: Felsted Parish Council continues to be concerned about the bulk of the proposed development in comparison to the host dwelling, stables and house extension that were approved in 2018.*

*The changes to the original refused application (UTT/21/0375/FUL) are considered insufficient to mitigate the introduction of this two storey building with a large footprint in open countryside which, as stated by the UDC Planning Officer, does not meet the definition of an annexe.*

*Despite the removal of the dormer windows to the front elevation and the repositioning of the staircase to the outside, the building continues to appear as a separate residential dwelling in the countryside.*

[UTT/21/1917/DFO](#)

##### **39 Evelyn Road Willows Green**

Details following outline approval UTT/19/2572/OP (approved under appeal reference APP/C1570/W/20/3246367) for the demolition of outbuildings and erection to 3 no.

Dwellings, replacement garage and associated works - details of access, appearance, landscaping, layout and scale.

*Comment: Felsted Parish Council objected to this application which conflicts with the fully "Made" Neighbourhood Plan and which was only allowed on Appeal due to UDC's (then) inability to demonstrate a 3 year housing land supply. We continue to believe that this "tandem" development is inappropriate but acknowledge that it was allowed on Appeal.*

*Whilst outline permission for three dwellings has been allowed, the detailed application is for what appears to be significantly larger dwellings than indicated on the original "outline" application. These now appear to be around 50% larger than originally shown and Felsted Parish Council consider this to be unacceptable overdevelopment for this "tandem" build site. There is no identified local need for yet more large executive homes in the Parish.*

*We also have concerns with overlooking of properties on adjacent Red Oaks – particularly from plot 2 and believe that there is now inadequate access and turning space, with an unacceptable restriction of access for large or even medium sized vehicles to plots 3 and 2. Access for anything other than car or light van would not be possible.*

*We would also request that a development management plan for parking of construction workers vehicles and large delivery vehicles should be a condition prior to commencement of work in this narrow designated “Quiet Lane”, including a prohibition of parking on pavements of highways verges.*

[UTT/21/2123/CLE](#)

**Mole Hill Green, Riverside Books Ltd Pyes Farm**

The Certificate of Lawfulness is being sought for an Air source Heat Pump installed. The air pump is located on the southern wall of building 7

*No Comment*

[UTT/21/1995/LB](#)

**Garnetts Cottage Braintree Road**

Installation of replacement boiler with flue on side wall of property

*No Comment*

[UTT/21/2232/LB](#)

**Straits Farm Dunmow Road**

Proposed replacement external windows and doors

*No Comment*

[UTT/21/2310/HHF](#)

**3 Watch House Villas Braintree Road**

Change of glazing to first floor rear bedroom (amendment to that approved under planning permission UTT/21/0128/HHF)

*No Comment*

**6. New Appeals to be considered as at 9<sup>th</sup> July**

[UTT/19/3091/FUL](#)

**Appeal ref: APP/C1570/W/20/3263184**

**Land to the West of Chelmsford Road Felsted Essex**

Change of use of land to use as a residential caravan site for 5 gypsy families, each with two caravans including laying of hardstanding, erection of 3 utility buildings and construction of access.

*Comment: Felsted Parish Council strongly objects to this Appeal application and asks that the Appeal be dismissed for the following robust and defensible planning reasons:*

***Conflict with the Local Plan policy S7***

*Uttlesford District Council (UDC) Planning Policy S7 states that “the countryside will be protected for its own sake, and that planning permission will only be granted for development that needs to take place there, or is appropriate to the rural area”.*

*The ULP is extant, albeit 2005 but policy S7 is consistent with the NPPF, as both seek to protect and enhance the character of the countryside and Policy S7 is consistent with the Framework’s aims with regard to the countryside, such that it must be given substantial weight.*

*The application site is outside the recognised Village Development Limit (VDL) and there is no “need for it to be there” as required by Policy S7. The character and appearance of the countryside and specifically the setting of the adjacent listed medieval building, Millbanks (see below) has been respected and remained unhindered by successive Councils and other relevant “decision makers” for over four centuries. It should remain so.*

*The applicant has not provided any proven “need” for the site in this location (see below), there is no need for it “to take place there” and it is therefore contrary to UDC’s Policy S7.*

***No proven “need” in this vicinity***

*No evidence of genuine or proven unmet need for additional traveller’s sites in or around Felsted has been demonstrated by the applicant.*

*There are already two authorised sites within a mile or so of the application site (see below) and in addition, there is indisputable evidence that properly executed and appropriate needs assessments have been undertaken quite recently. These conclude that no unmet need exist that meet the “planning definition” and the applicant does not identify whether future occupants of the site would meet the planning definition criteria.*

*Consistent with the recommendations of the Government document “Planning Policy for Traveller Sites” Policy A: (Using evidence to plan positively and manage development), Essex County Council (ECC) undertook a full Gypsy, Traveller and Accommodation Assessment (GTAA) only three years ago (in January 2018), which determined that “GTAA identifies a need for no additional pitches for households that meet the planning definition” within Uttlesford.*

*No credible challenge of ECC’s GTAA findings has been provided by the applicant. The vague objection against the GTAA conclusion appears to be purely generic, based on an ambiguous and unsubstantiated criticism of the methodology and the attitude that “new sites are always needed somewhere”, rather than any substantive case of legitimate need for an additional site at this specific location, a little over a mile from two existing and established authorised sites.*

*Therefore, in addition to the irreversible and harmful consequences for the setting of Millbanks (and Black Horse Cottage), plus safety and unsustainability implications associated with the site location, there is absolutely no proven need for this site and UDC’s Planning Policy S7 fully applies, in that “permission will only be granted for development that needs to take place there, or is appropriate to the rural area” and it does not “need to take place there”.*

*Even if some element of “need” can be identified for a new site somewhere in Uttlesford, it is highly questionable that the use of a previously undeveloped green field site on good Grade 2 quality agricultural land, currently in full agricultural use, adjacent to a significant listed building and accessing onto on a demonstrably unsuitable road within close proximity to two existing authorised sites, could be considered an appropriate proposition.*

*ECC’s GTAA can be found at:*

*[https://www.uttlesford.gov.uk/media/7120/Uttlesford-Gypsy-and-Traveller-Accommodation-Assessment-Need-Summary-Report-June-2017-/pdf/Gypsy and Traveller Accommodation Assessment.pdf?m=636361666273900000](https://www.uttlesford.gov.uk/media/7120/Uttlesford-Gypsy-and-Traveller-Accommodation-Assessment-Need-Summary-Report-June-2017-/pdf/Gypsy%20and%20Traveller%20Accommodation%20Assessment.pdf?m=636361666273900000)*

*Of the two existing Travellers sites nearby, one is long established and for 17 pitches (which the applicant refers to as the “Felsted” site) approximately 1 mile away in the adjacent*

Parish of Flitch Green and the other is a private site within Felsted Parish, at “The Yard”, Bartholomew Green (approved under UTT/13/1547/FUL).

The above approval (for “The Yard”) can be found at:

<https://publicaccess.uttlesford.gov.uk/online-applications/applicationDetails.do?keyVal=MOAFVQBQAN000&activeTab=summary>

**Conflict with the fully “Made” Felsted Neighbourhood Plan (FNP) Policies FEL/HN5, FEL/CW1 and FEL/CW1**

On 25<sup>th</sup> February 2020, the Felsted Neighbourhood Plan was formally “Made” by the full Cabinet of UDC, becoming an integral part of UDC’s Local Development Plan (LDP).

**Policy FEL/HN5 (Residential Development outside Development Limits)**

The Policy fully recognises that there will be occasions where certain development might be appropriate outside of Village Development Limits (VDL’s) and Policy FEL/HN5 defines acceptable sustainable development that meets those criteria. The proposed development does not meet any of those specified criteria.

**Policy FEL/CW1 (Landscape and Countryside Character)**

The Policy requires that “proposals must protect and enhance the landscape of the character area in which they are situated”.

The proposal is totally unsympathetic to the character of the area and fails to meet the requirements of Policy FEL/CW1.

**FEL/ICH 1 (High Quality Design)**

The Policy requires:

- “Sensitive treatment of the rural edge particularly around Felsted village with regard to impact on heritage assets and their setting including the surrounding landscape;
- All new build proposals outside the development limits must not harm their landscape setting;”

The proposal shows a total disregard for the rural “edge of village” setting and has a significant negative impact on both an important heritage asset and the surrounding landscape.

The proposal conflicts with all three of the above policies of the FNP which is a fully Made Plan, less than two years old. The Plan is therefore a fundamental component of the Local Development Plan. Full compliance with the requirements of NPPF Paragraph 14 qualifies the FNP as a significant material consideration carrying substantial planning weight.

The full Felsted Neighbourhood Plan can be found at:

[https://www.uttlesford.gov.uk/media/10141/Felsted-Neighbourhood-Plan-Made-25-February-2020/pdf/Felsted\\_NP\\_2018-2033-a.pdf?m=637184188875530000](https://www.uttlesford.gov.uk/media/10141/Felsted-Neighbourhood-Plan-Made-25-February-2020/pdf/Felsted_NP_2018-2033-a.pdf?m=637184188875530000)

UDC confirmed in their Housing Trajectory and 5 Year Housing Land Supply (HLS) for the period 2019/20 to 2023/24 (January 2021) that they have in excess of a 3 year HLS. Consequently, paragraph 14 of the NPPF applies and the FNP which is less than 2 years old must be recognised and respected as a key component of the ULP.

UDC’s Housing Trajectory and 5 Year Housing Land Supply (HLS) can be found at:

<https://www.uttlesford.gov.uk/media/10659/Housing-Trajectory-and-Five-Year-Land-Supply-1-April-2020-January-2021->

*It should be noted that in addition to UDC being able to demonstrate a 3.11 HLS, the Housing Delivery Test (HDT) measured in 2020, indicates that there has been 124% of the required delivery in the last three years.*

*The application should therefore be refused due to conflict with the FNP, in addition to the associated conflict with the NPPF (as the Felsted NP meets all of the requirements of paragraph 14 a, b, c and d) in addition to conflict with the ULP and ECC Highways recommendation for refusal.*

***Road safety and lack of sustainability of the site.***

*ECC Highways, in their response dated 5<sup>th</sup> May 2020, recommended refusal due to the applicant's inability to demonstrate "safe and suitable access for all". Nothing has changed!*

*Access to the site would be directly onto the derestricted (60MPH) B1417 Chelmsford Road, which importantly has no street lighting or pavements. The proposed access point is located between two curves forming an "S bend" in the road, severely limiting safe visibility and also prohibiting safe "on road" stopping of any public service vehicle (including potential school transport) due to the bends. Any slow moving vehicle including potentially a vehicle towing a caravan or trailer turning into the site from the north, on this derestricted road with no street lights, would represent a "side on" unlit and difficult to see serious hazard.*

*This road with the national speed limit is not only used by cars, often travelling at up to 60MPH but also has no weight limit and is therefore frequently used by large agricultural and heavy goods vehicles regularly and quite legally, travelling at relatively high speeds. This is not an infrequently used quiet country lane. As Department of Transport statistical analysis data indicates circa 3,000 vehicles a day use the B1417 (see data below).*

*In their "Statement of Case" (paragraph 5.7), the applicant **erroneously** states "there are bus stops adjacent to the site giving access by public transport". **This is completely incorrect!** . There are no bus stops at all close to the site, the nearest being over a kilometre away in Causeway End and the only pedestrian access to this bus stop and consequently all local facilities, would be by using the carriageway (not a pavement but the road itself) of the derestricted Chelmsford Road (B1417) without the safety of any pavement or street lighting. The applicant repeatedly claims that the site is within walking and cycling distance of village amenities but as stated, this cannot be achieved without using the carriageway itself along the derestricted and unlit B1417. This repeated claim is a clear indicator that the unsafe use of the carriageway as a pedestrian access to services is to be anticipated, should the appeal be allowed.*

*Use of this stretch of the B1417 by pedestrians or cyclists, even in daylight hours would be inadvisable and any use by pedestrians (or cyclists) during the hours of darkness or in conditions of poor visibility would not only be foolhardy in the extreme, but would involve very significant risk. There is not only the "S bend" at the site access point but also a second, much tighter and narrower "S bend" even less suitable for pedestrians, near Causeway End Road which would need to be negotiated without pavements or lighting, to reach bus stops or any village amenity. Therefore, the only safe access to all local amenities would totally depend on vehicular use. It is fully accepted that there is a general recognition in planning considerations that in rural areas vehicle use is more likely, but to allow this Appeal on the presumption of absolute 100% vehicular use, inferring that there would never be any future pedestrian use of the B1417, would be naive and wholly unrealistic.*

*There is a clear contradiction here. It simply does not equate that (as claimed by the applicant) on the one hand, the site location must be considered “safe” because access will only ever be via vehicle when conversely, the applicant repeatedly maintains that it must also be deemed suitable because it is “within walking and cycling distance” of facilities. It cannot be both!*

*It is a virtual certainty that if the appeal were allowed, there would be subsequent use of B1417 by cyclists or even worse by pedestrians, even potentially for example, pedestrians pushing a pram or pushchair in the hours of darkness or limited visibility of mist/fog. Such a decision based on a presumption that this will never occur on this unpaved, unlit and speed derestricted road carrying around 3,000 vehicles a day would be naïve and disingenuous in the extreme and could result in potentially disastrous consequences.*

**Note: Important and relevant traffic volume information, specific to Felsted, to be taken into account when accessing road safety:**

*There are some very specific localised circumstances relating to Felsted that must be taken into account when assessing road safety and access to this site.*

*Compounding both the limited visibility of the proposed access and the dangers for pedestrians attempting to use the carriageway of the B1417 as a footpath, especially the increased risks during winter darkness or conditions of poor visibility, it is critical to recognise that daily traffic movements in Felsted are unlike most rural villages as Felsted village is home to the large independent Felsted School. Felsted School has around 1300 pupils (many of them day pupils, driven in and out daily) and around 300 employees. Add to this Felsted Primary School with over 260 pupils and 20+ staff, plus the normal local businesses and commuting residents and the result generates a typical weekday daily movement of probably well in excess of 3000 people, the vast majority using personal motorised transport to drop off/pick up pupils or commute. In consequence and extraordinarily for a rural village, there are a disproportionately high number of vehicle movements, many using the B1417, including during the school commuting hours of winter darkness both morning and afternoon/evening.*

*It is also important to understand that, unlike regular commuting, as the majority of these vehicles are entering Felsted to drop off or collect children, they then immediately turn around and leave the village, doubling what would be the normal movement of a typical “one way” commuting vehicle.*

*Indeed, the traffic volumes in and out of Felsted at school times are so high that for several years, Felsted Parish Council and Felsted School have found it necessary to jointly fund the official services of North Essex Parking Partnership to help with the extraordinarily high volume of traffic and parking around the village.*

*It is interesting to note that the only recent traffic survey for the site location which is known to be in the public domain, is for the previous (refused) planning application to develop this same site for 23 houses (UTT/18/2960/FUL), as referenced by the applicant. The Consulting Engineers 45 page Transport Statement for that application was based on a traffic survey completed on April 17<sup>th</sup> /18<sup>th</sup> /19<sup>th</sup> 2019. With the 19<sup>th</sup> being Good Friday, the survey was therefore undertaken when the schools were closed. Perhaps an unintended co-incidence that it was undertaken when 1,000's of school related traffic movements were excluded! It is also important to accept that the many regular drivers know that there is nothing by way of a prospective destination for pedestrian's southward on the B1417 beyond Causeway End and their experience therefore tells them that because of this they rarely, if ever, see pedestrians. Consequently, driver speeds and behaviour will rightly or wrongly, assume a road where they are unlikely to encounter pedestrians. The Consulting Engineers 45 page*

*Transport Statement mentioned above, undertaken when the schools were closed for Easter, confirmed an estimated average daily vehicle flow count on the B1417 in excess of 2,500 vehicles, an 85<sup>th</sup> percentile speed of 49MPH and even several vehicles recorded at speeds over 60 MPH.*

*Clearly, the above statistics will currently be impacted by Covid 19 restrictions, but as these limitations on movement are relaxed, the above conditions will again be relevant.*

*As previously stated, in part because of the impact of Felsted School, there are estimated to be in excess of 3,000 vehicle movements a day along the Chelmsford Road (B1417). Whilst no recent independent or official detailed assessments are available, it is relevant to note that even in 2008 a Department of Transport statistical analysis identified an average daily flow rate of 2,766 vehicles.*

*This is a far higher vehicle count than would normally be anticipated for a village comparable in size to Felsted but without an independent Public School and this figure has inevitably increased in the ensuing years.*

*Note: The quoted Dept. of Transport data for B1417 (site number: 941152) can be found at: <https://roadtraffic.dft.gov.uk/manualcountpoints/941152>*

*In their response to the original (refused) application (UTT/19/3091/FUL), dated 5<sup>th</sup> May 2020, ECC Highways said, of the site location “It is noted that the opportunity for using sustainable transport instead of the car is severely limited as the nearest bus stop is over a kilometre away and has limited service: there is no footpath to provide safe pedestrian access: the speed of the local road is not conducive to cyclists”.*

*The applicant, refers to an alleged “speed survey carried out earlier this year” but provides absolutely no evidence of this and therefore no opportunity to scrutinise any such survey. However, they do say that the “survey” results were taken in wet weather which would, anyway, be contrary to recommendations in the Design Manual for Roads and Bridges (85th percentile vehicle speeds clause 3.1.1), which state that revisions must be made to adjust (upwards) any speed calculation made to reflect wet conditions. As the alleged survey is not submitted for scrutiny it cannot be confirmed whether the quoted figures are accurate, whether such adjustments were made or when the alleged survey might have been undertaken. It is impossible to know if the applicants alleged but “absent” survey “completed earlier this year” was undertaken whilst schools were open or whether any Covid 19 lockdown or travel restrictions were in place.*

*In addition to UDC’s refusal for permission for this gypsy site, UDC also refused permission for a previous application to develop the same site for 23 dwellings (UTT/18/2960/FUL), due amongst other reasons to the lack of adequate visibility of the site access and the absence of pavements, concluding that “safe and suitable access for all” could not be demonstrated. It would be astonishing if Her Majesties Inspectorate did not conclude that the safety and welfare of the occupants of a gypsy site were not to be afforded comparable safety consideration as the potential residents of permanent dwellings.*

*In addition, with specific regard to sustainability, we would point out that whilst referring to village amenities, which they say are 1 mile away, the applicant was careful to include that Felsted has a Primary School, but the only educational facilities in Felsted Village are the fee paying independent Felsted School, as mentioned previously. It would be correct to say that Felsted Parish has a Primary School, but it is not in Felsted Village around 1 mile away as implied by the applicant as it is in Watch House Green, over 2 miles away.*

*The Primary school is, incidentally, full in all year groups but one and secondary education is only available several miles away in either Great Dunmow or Braintree. As stated previously, there are no bus stops close to the site and no safe opportunity for the introduction of a school bus stop point near the proposed access due to the limited visibility coupled with the de-restricted road speed.*

***Unacceptable and irreversible harm to the setting, character and appearance of the countryside, including the medieval Listed building – Millbanks.***

*UDC's refusal concluded that the development would "alter the character of the surrounding locality and have an urbanising effect that would be out of context with the existing pattern of development harmful to the setting, character and appearance of the countryside. The development is therefore contrary to the National Planning Policy Framework (NPPF), ULP Policy S7 of the Uttlesford Local Plan (adopted 2005) and Policies FEL/CWI and FEL/ICH1 of the made Felsted Neighbourhood Plan".*

*With specific reference to the harm to the character and appearance of the countryside, this must include the impact on the adjacent medieval Grade 11 listed Millbanks. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that there is a general duty as respects listed buildings in the exercise of planning functions for the local planning authority or, as the case may be, the Secretary of State to have special regard to the desirability of preserving their settings.*

*In our objection to the original application, Felsted Parish Council strongly supported the Historic Environment comments (as reported by Place Services) that referenced the sensitivity and impact on the heritage assets of Millbanks and the harm to the setting, character and appearance of the countryside as concluded in UDC's refusal.*

*Whilst the UDC Officer Report for this Appeal concludes that the proposal is not contrary to ULP Policy ENV2 because Millbank Farmhouse is "protected by curtilage outbuildings and extensive natural screening on its south side", this conclusion does not in Felsted Parish Councils opinion, take sufficient account of the hereditary significance of the setting of Millbanks Farmhouse.*

*It is imperative that the special significance of Millbanks, as a "George Boote" built house and its setting are properly understood and respected and that Section 66 (1) of the act duly applied.*

*In their "Statement of Case", under Site Description - paragraph 2.2, the applicant casually refers to "a residential property to the north". It might be dismissed as just a "residential property" by the applicant but the house, its location and importantly its setting are all critical components of local heritage to Felsted Parish.*

*Millbanks, listing ref: EHER (Essex Historic Environment Record) ref: 37040 – Historic England List Entry – 1147020, is one of the most historically relevant houses to Felsted parish. Built by George Boote in 1598, it is not just the rich heritage of the building itself that is important but also the context of the environment in which it sits. For over 420 years Millbanks setting has been respected, unchanged and unmolested standing on the west side of the road it has been the first house to be encountered on entering the village from open countryside to the south.*

*To denigrate this important and attractive building or its setting by the introduction of any form of dominating and incongruous modern development, particularly a gypsy site with its wholly inappropriate but inevitable structures, lighting, noise and associated comings and goings would be unforgivable.*

*Either the applicant (or his agent) has never visited Felsted, or they have simply chosen to disregard Millbanks as a mere inconvenience, describing it as simply a “residential property”, either not taking the trouble to note or care, or perhaps feigning ignorance of the historical significance of the house to the Parish and consequently the sensitivity of the adjacent land on which they seek such inappropriate development.*

*The name George Boote is synonymous with Felsted. It is virtually impossible to find any historical reference, be it photograph; painting or drawing of Felsted village which does not feature George Boote’s (1596) medieval (Grade II\*) house which dominates the village centre. The immediate proximity to the application site of his second house, appropriately situated as the southern introduction to our village and which proudly announces, carved into a bressummer on the front façade, “George Boote made this house in 1598” must not be ignored and its rural setting must not be denigrated.*

*Felsted, a village mentioned in the Domesday Book, values highly all of its many listed buildings but has a particularly close affiliation to George Boote’s two houses. It is doubtful that many parishioners without carrying out specific research would be able to name the builder of the many other listed buildings in Felsted, but George Boote built houses are different and are highly regarded historical assets to the parishioners of Felsted. Decision makers are custodians of not just buildings but also any associated narrative and it would be indefensible to destroy 423 years of history in one ill-judged and irreversible decision. This house and its setting represent part of Felsted’s heritage and must be conserved.*

*The Historic England document: “Understanding Historic Buildings: English Heritage - Policy and Guidance for Local Planning Authorities” (under “Guidance - Informed Conservation”), states:*

*“Historic assets represent a precious and irreplaceable resource. They give distinctiveness, meaning and quality to the places where we live, work and visit and make an important contribution to our quality of life and sense of place.....*

*.....When a scheme is proposed for development, alteration or repair it is therefore essential to consider how these actions may affect the significance of the asset, its constituent parts and its setting. This understanding of significance and the potential impact of proposals forms the basis against which the merits of any scheme can be judged”.*

*The Planning, Listed Buildings and Conservation Areas Act 1990, protects and conserves the setting of important and historically significant buildings such as Millbanks. If not applied in this case, then Felsted Parish Council would take the view that there is little point in having any statutory instrument to protect historic buildings or their settings.*

*Additionally, there is a second medieval building (Black Horse Cottage) EHER ref: 37041 – Historic England List Entry – 1112868, just a hundred or so meters before the site, lying on the opposite side of the road whose setting would be negatively impacted by the proposed development and for which the safeguard of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should equally apply.*

*Therefore, regardless of whether the proposal conflicts with ULP Policy ENV2, it cannot be acceptable to position a Gypsy site in a location that will irreversibly impact the historical setting of these two buildings, particularly the immediately adjacent Millbanks Farmhouse, changing forever its rural setting and degrading the gradual transition from countryside to the hamlet of Causeway End and Felsted village.*

*We believe that in the same way as gypsy sites have their own assessment criteria due to the exceptional nature of those sites, they should also warrant a strengthened assessment of the damage their siting can have on an important listed building and any consequential irreversible impact on local heritage.*

### **Conflict with 2019 National Planning Policy Framework (NPPF)**

*Paragraph 170 of the most recent iteration of the NPPF, stresses that: “planning policies and decisions should contribute to and enhance the natural and local environment” by, amongst other things, “recognising the intrinsic character and beauty of the countryside”. In this regard, recognising the “natural and local environment” and consequently, the rural and open setting in which Millbanks sits should be paramount.*

*In section 16 (Conserving and Enhancing the Historic Environment), regarding “proposals affecting heritage assets”, paragraph 193 advises that “local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”.*

*Paragraph 194 advises (under Considering Potential Impacts), “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.*

*The applicant has met none of the above requirements of the 2019 NPPF and indeed, far from doing so has simply dismissed the adjacent historically important Grade II Listed Millbanks as simply “a residential property to the north”.*

### **Statement of common ground?**

*There is a supposed draft “Statement of common ground” presented with the applicants documentation but there is absolutely no evidence that UDC have agreed to any of the content and it seems improbable that UDC could support many of the claims it contains. Unless UDC does agree, then this document can only be viewed as a fanciful “wish list” of matters that the applicant would like to see agreed. However, the document contains so many incorrect or disingenuous claims that UDC could not possibly agree to it in its current form, being factually incorrect and wrong in so many areas.*

*We will not comment on any of these other than to point out that the applicant, under “Matters of Agreement” (which, of course are not agreed by UDC), item 5.3, states that “At the present time, the tilted balance must apply by which planning permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.*

*To suggest that UDC have **agreed** that a “tilted balance” planning decision should be applied when there are so many “adverse impacts” which “would significantly and demonstrably outweigh the benefits” and the application conflicts with so many UDC, NPPF and FNP Policies is absurd. There are so many inconsistencies, errors and questionable claims in the document and so many sound planning reasons for dismissal, it is a total misrepresentation to include in this document “Matters of Agreement”. There does not appear to be any such agreement!*

*It is the applicant that points out that a so called “tilted balance” can be applied in planning decisions **unless** the “adverse impacts of doing so would significantly and demonstrably outweigh the benefits”. With so many sound, robust and defensible planning reasons where there are conflicts with UDC’s Local Plan, the NPPF and the fully Made Felsted Neighbourhood Plan to justify dismissal of this Appeal, there can be no serious prospect of a “tilted balance” judgement concluding that this Appeal should be allowed.*

*Felsted Parish Council strongly urges you to dismiss this Appeal.*

[20/00296/OUT](#)

**Appeal ref: APP/Z1510/W/21/3268339**

**Land Adjacent Mill House School Road Rayne Essex**

Outline planning permission with all matters reserved apart from access and scale - Erection of 9 No.dwellings

*Comment: Felsted Parish Council continues to strongly object to this appeal.*

*We believe that our objections to the original application are sound and remain valid, being:*

*The proposed development is outside of the planning envelope and not in keeping with the vernacular. It is right on the boundary to Felsted Parish and would set a precedent for building on greenfield sites in the countryside. It is unsustainable development with no pavements, street lights or buses, necessitating the use of cars. There is no identified need for the development to be there.*

*Whilst the appellant seeks to associate accessibility for this appeal with those of appeal reference APP/Z1510/W/20/3247020, the reality is that the site under appeal APP/Z1510/W/20/3247020 was directly joined to the existing Rayne settlement, with pavement access to village shops. The site for this appeal has no such accessibility, it is further along the winding country road, with no lighting and no pavements and outside of the 30mph speed limit. It simply does not warrant accessibility comparisons.*

*In addition, we would ask that the Inspector considers the refused Appeal Ref: APP/C1570/W/20/3250136 Cobblington and land adjacent to Concord Farm, School Road, Rayne, Braintree, Essex CM77 6SP.*

*This and the appeal site are only a couple of hundred metres apart, on the same road. Appeal Ref: APP/C1570/W/20/3250136 was considered, and refused, under 2 specific areas, impact on character and accessibility to services, as detailed below:*

*Main Issue 6. On the basis of the above, the main issue in the appeal is whether the housing proposed would be acceptable in this location, with particular regard to its effects on the character and appearance of the area and accessibility to services*

*These are the same aspects under which the appellant site was originally refused planning permission.*

*We would suggest that the appellant site is in a more rural location than Appeal Ref: APP/C1570/W/20/3250136 and subject to exactly the same accessibility to services issues. As this appeal is for 9 new dwellings on an open field, against Appeal Ref: APP/C1570/W/20/3250136, where 4 additional dwellings were proposed on a site where a dwelling already existed alongside an industrial area, we believe its impact on a rural setting will be much greater, and so there is a clear precedent to reject this appeal on this issue alone.*

*In summary, with the appeal site already being the subject of multiple applications for a single dwelling, and then 2 dwellings, refused at appeal, it is somewhat bizarre to now see a weak attempt to argue that it is an appropriate site for 9 dwellings.*

*No argument in respect to Housing Land Supply overrules the simple test of bad planning, and this site has been determined at multiple points, including by an Inspector, to be the wrong place to be building new dwellings. Nothing will change that simple fact.*

*When the most recent relevant appeal APP/C1570/W/20/3250136, only a couple of hundred metres away, is also considered, we can see no reason for this appeal to be allowed.*

## **7. Decisions received since 15<sup>th</sup> June**

[UTT/21/1332/HHF](#)

### **Leighs Lodge Willows Green**

Installation of a detached single storey timber outbuilding

**Permission Refused 17<sup>th</sup> June 2021** *'it would, by virtue of its design and appearance, cause significant harm to the character and appearance of its setting within a protected lane... The external materials proposed are considered to have a detrimental impact on, and therefore harm to, the character and setting of a listed building and is out of keeping with the character of the historic landscape.'*

[UTT/21/1197/LB](#)

### **Little Garnetts Garnetts Lane**

Repairs to roof

**Permission Granted 15<sup>th</sup> June 2021**

[UTT/20/1041/FUL](#)

### **Land South Of Oaklea School Road Rayne**

Change of use of land for the keeping of horses and the erection of a stable building.

**Permission Granted 15<sup>th</sup> June 2021**

[UTT/21/1043/LB/](#) [UTT/21/1041/HHF](#)

### **Mill House Cock Green**

Addition/extension to cart lodge front elevation. Cladding to annexe front and rear elevation, additional windows to front elevation. Addition of dormers and roof lights to swimming pool roof and windows to rear pool elevation. New doors and glazing to swimming pool building together with rear elevations first floor bedroom, ground floor kitchen relocation and new doors to kitchen. Internal remodelling and structural work.

**Permission Granted 30<sup>th</sup> June 2021**

[UTT/21/1633/LB](#)

### **Straits Farm Dunmow Road**

Proposed replacement external windows and doors

**Application Withdrawn 5<sup>th</sup> July 2021**

## **8. Draft Local Plan - Uttlesford DC**

There was no comment on the Uttlesford DC Draft Local Plan.

### **Draft Local Plan Braintree DC**

There was no comment on the Braintree DC Draft Local Plan.

## **9. Other Urgent Planning Business and Future Dates**

- a. The following Appeal Decision was noted:

[UTT/20/2319/HHF/](#) [UTT/20/2320/LB](#)

### **The Barn Evelyn Road Willows Green**

Single storey glass flat roofed extension to kitchen wing of barn conversion

**Appeal Allowed 16th July**

b. It was noted that the development UTT/20/1882/FUL (Construction of 24 no. dwellings and school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping) at Sunnybrook Farm, Braintree Road has had revised plans added to its application which do not include re-routing footpath 12 situated next to the proposed car park.

The Parish Council continues to support this application, but will highlight this issue to the Primary School who are best placed to assess the safeguarding risk involved and make its own comment on the application to Uttlesford District Council.

Next meeting scheduled for Tuesday 17<sup>th</sup> August at 6pm

..... Chairman

17<sup>th</sup> August 2021

Residents wishing to make comments on Planning Applications or view other comments submitted can go to the Uttlesford District Council Website:  
<https://publicaccess.uttlesford.gov.uk/online-applications>

To find out more about Appeals please go to the Planning Inspectorate Website:  
<https://acp.planninginspectorate.gov.uk>