

FELSTED PARISH COUNCIL

Minutes of the Planning Committee Meeting Tuesday 16th March 2021 on-line at 6 pm

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

1. Apologies for Absence

Apologies were received from 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 February meeting were formally approved. They will be signed when the Planning Committee next physically meet.

5. New Applications to be considered

[UTT/21/0419/HHF](#)

Ione Chelmsford Road

Extension to dropped curb and existing driveway

No Comment

[UTT/21/0636/HHF](#) / [UTT/21/0637/LB](#)

Sewards House Stebbing Road

Proposed landscaping works including relocation of oil tank and internal alterations including change to rear fenestration including deepening of window within brickwork wall panel.

No Comment

[UTT/21/0606/FUL](#)

Seabrooks Farmhouse Braintree Road

Proposed detached garage to be used in conjunction with dwelling approved under planning permission UTT/20/0436/FUL which is currently under construction

No Comment

[UTT/21/0716/HHF](#)

Limeen 25A Station Road

Installation of new front door. Removal of existing front door, window and wall from recessed porch to open up hallway

No Comment – The Parish Council wonders if a full planning application is required for the proposed work or whether it would be covered by permitted development rights.

[UTT/21/0757/DFO](#)

Land At Maranello Watch House Green

Details following outline approval UTT/20/1596/OP for 7 no. dwellings - details of layout, scale, landscaping and appearance. (The outline planning application was NOT an environment impact assessment application)

Comment: The Parish Council objected to the original application because it was inconsistent with, and against key policies of the Felsted Neighbourhood Plan. The Parish

Council continues to believe that it is an inappropriate development and they have no comment to make on plans for the layout, scale, landscaping and appearance.

[UTT/20/3140/HHF](#)

Foxtons Mole Hill Green Molehill Green Road

Two storey side and rear extensions and hipped roof to replace the existing gable roof

No Comment

6. New Appeals since the 16th February

[UTT/20/0849/FUL](#)

Appeal ref: APP/C1570/W/20/3260239

Land At Bakers Lane

Erection of detached self-build 4 bed dwelling and garaging

Comment: Felsted Parish Council objects to the development within this Appeal application.

History: This site was the subject of a recent planning application (UTT/18/3336/FUL - refused by notice dated 10th June 2019) for a very similar development. An appeal was subsequently dismissed on 16th January 2020, Ref: APP/C1570/W/19/3233627.

Felsted Parish Council submitted strong objections to the original planning application, to the first Appeal and to the planning application for which this second Appeal is made. We will not repeat those extensive comments here but would ask that the Inspector considers the content of our previous objections in conjunction with this submission.

The applicant fails to address the clear and justifiable reasons for the previous refusal and dismissal at Appeal. They have not offered any credible argument to challenge those explicit decisions; they simply express an alternative opinion.

It is, of course the case that each application must be assessed on its own merits, but the conclusions of the Appeal Inspector when assessing the previous very similar application remain wholly relevant and should apply equally to this Appeal application. It would be inexplicable if the conclusions were not the same when the development is so similar to the original and the consequential impacts comparable.

The application is not dissimilar to the original refused and dismissed application. Other than changes to what is virtually a mirror image of the original building, repositioning the house slightly to the west and the garage to the front of the site. The consequence is that the irreversible negative impacts on the character of the countryside and adjacent heritage assets that result from developing this land remain.

The previous Appeal Inspectors comments were clear, that harm and damage would result from development on this site. The concluding comments of the Inspector did not relate to a specific positioning of the dwelling within the site but to the consequence of development in this sensitive countryside location. The site was deemed by the Inspector not to appear as an “infill” plot and the harm was not confined to simply one aspect but was the consequence of several planning considerations. The Inspector qualified and justified the conclusions, stating:

- *(With regard to conflict with the Uttlesford Local Plan (ULP) Policy S7), “the Policy is consistent with paragraph 170 (b) of the Framework which seeks to recognise the intrinsic character and beauty of the countryside. I therefore consider **Policy S7 should be afforded significant weight**”*
- *“**The character of the area is distinctly rural**”.*

- “because of the verdant nature of the boundaries of the lanes and the gentle curve in Bakers Lane, **the site does not appear as an infill plot**”.
- With regard to the Public Rights of Way (PRoW) and long-distance view of the agrarian landscape and wider countryside beyond “This contributes to the rural character of this part of the PRoW network. This connection to the openness of the countryside from the enclosed lanes would be eroded by the proposed development” and “the development would nonetheless irrevocably interrupt this view **and significantly alter the rural character of the area**”.
- “I find that the appeal scheme does not represent ‘sensitive infilling’ as set out within paragraph 6.14 of the LP. **The sensitivity of the site in the landscape and its contribution to the rural character of the area is significant and this character would be harmed by the development**”.

These are robust, legitimate and defensible reasons for refusal and dismissal. The applicant has not provided any justifiable challenge to these; they simply express a contrary opinion.

Felsted Parish Council continues to object strongly to this application and consider that the reasons for dismissal of the previous Appeal and UDC’s refusal of the resubmitted application remain. The application unquestionably conflicts with the National Planning Policy Framework (NPPF), Uttlesford District Council’s (UDC’s) ULP and the fully Made Felsted Neighbourhood Plan (FNP).

With regard to conflict with the LPA’s Policy ENV2 (Development affecting Listed Buildings), this development would have an irreversible and damaging impact on the setting of the adjacent medieval Grade 11 listed building, Jollyboys and also Howlands (formerly known as Farnold Croft).

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. UDC’s refusals and the dismissal of the previous Appeal are fully consistent with the recommendations within the Act.

The application is in conflict with FNP Policies FEL/HN5 - Residential Development outside Village Development Limits (VDL’s) and FEL/CW1 (Landscape and Countryside Character). The FNP is submitted as a supporting document by UDC.

Policy FEL/HN5 defines acceptable sustainable development that would be supported outside the VDL that meet certain criteria. The proposed development does not meet any of those criteria.

Policy FEL/CW1 states that development proposals must protect and enhance the landscape of the character area and must not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017. This proposal does not meet those criteria. The Felsted Heritage and Character Assessment Report 2017 can be found at:

<https://www.uttlesford.gov.uk/felstednp>

In the applicants “Design and Access Statement” they recognise the FNP but say of UDC “as the supply of 5 year deliverable sites has fallen below 3 years the presumption in favour, within paragraph 11 remain to be applied as all the criteria of paragraph 14 are not met”.

*This statement is incorrect. UDC **are** able to demonstrate in excess of a 3 Year Housing Land Supply (HLS), consequently paragraph 14 of the NPPF applies and the Appeal should be dismissed due to conflict with Policies in the fully Made FNP.*

UDC confirmed in their Housing Trajectory and 5 Year Housing Land Supply (HLS) for the period 2019/20 to 2023/24 (January 2021, and submitted by UDC as supporting documentation) that they have in excess of a 3 year HLS.

It should also 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.

Therefore, the FNP forms part of the ULP and paragraph 14 of the NPPF applies. The FNP which is less than 1 year old must be recognised as a fundamental and up to date component of the statutory ULP and is a material consideration carrying substantial weight.

Even if UDC were unable to demonstrate a 3 Year HLS, there can be no “presumption in favour of sustainable development” as the addition of a single dwelling would not “significantly and demonstrably outweigh the adverse impacts” of the harm to the countryside, heritage assets and conflict with up to date Planning Policies

Felsted Parish Council urges the Inspector to dismiss this Appeal for the many reasons stated.

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

Appeal ref: APP/C1570/W/20/3264002 / APP/C1570/Y/20/3264006

The Barn Evelyn Road Willows Green

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

No Comment

7. Decisions received since 16th February

[UTT/20/2846/HHF](#)

5 The Copse Bannister Green

Single storey rear extension

Permission Granted 3rd February 2021

[UTT/20/3196/FUL](#)

Mill House Mill Lane Hartford End

Proposed demolition of 2 no. barns and erection of 1 no. Estate manager's cottage and cart lodge.

Permission Refused 12th February 2021 *‘it would, by virtue of its design and appearance, cause significant harm to the character and appearance of the historic agrarian setting, and would fail to be compatible with the surrounding buildings.’*

[UTT/20/2636/HHF](#)

Whitestile Chelmsford Road

Demolition of garage. Erection of part single and part two storey rear extension. Alterations to rear roof

Permission Granted 17th February 2021

[UTT/20/2375/FUL](#)

Land At Watch House Green

Construction of 4 no. detached dwellings and garages with new access off Braintree Road

Permission Granted 22nd February 2021

[UTT/20/1596/OP](#)

Land At Maranello Watch House Green

Outline application, with all matters reserved except for access, for the demolition of part of existing building and the erection of 7 no. dwelling houses

Permission Granted 24th February 2021

[UTT/20/2898/FUL](#)

Land Adjacent To Cemetery (Gransmore Meadow) Chelmsford Road

Erection of 2 no. single storey bungalows (1 no. to wheelchair standard) and parking area to serve adjacent cemetery

Permission Granted 8th March 2021

[UTT/21/0102/HHF](#)

Gate Cottage Cock Green Cock Green Road

First floor bathroom extension and internal alterations

Permission Granted 10th March 2021

[UTT/21/0128/HHF](#)

3 Watch House Villas Braintree Road

First floor front and side extension and two storey rear extension, and alterations to porch

Permission Granted 12th March 2021

8. Appeals Update

[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.

It was noted that this Appeal had not started yet.

9. Stansted Expansion Appeal

It was noted that the Stansted Expansion Appeal Process finished on 12th March and

The CAA Consultation was discussed by the councillors.

10. Draft Local Plan - Uttlesford DC

The Assistant Clerk has commented upon the following consultation topics with responses agreed by the committee.

1. Where I live
2. Character and Heritage
3. Climate Change
4. Transport
5. Healthy Lifestyles
6. Biodiversity
7. Local Economy
8. Homes

It was noted that the Parish Council had not yet received any feedback on Call for Sites.

Draft Local Plan Braintree DC

It was noted that Braintree District Council, by decision at the meeting of Full Council on Monday 22nd February 2021, has formally adopted the Braintree District Local Plan 2013-2033 Section 1 North Essex Authorities Shared Strategic Section 1 Plan.

11. Other Urgent Planning Business and Future Dates

Next meeting scheduled for Tuesday 20th April at 6pm

..... Chairman 20 April 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>