

FELSTED PARISH COUNCIL

Minutes of the Planning Committee Meeting Tuesday 19th October on-line at 6 pm

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

1. Apologies for Absence

Apologies were received from Councillors Penny Learmonth and Hywel Jones

2. Declarations of Interest

There were no declarations of interest

3. Public Forum

There were four members of the public present

4. Approval of Minutes of Previous Meeting

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

5. New Applications to be considered

[UTT/21/2980/FUL](#)

Sparlings Farm Braintree Road

Section 73A Retrospective application for the change of use of former agricultural buildings and land for dog training. Proposed dog daycare with enclosed secure outdoor area

No Comment

[UTT/21/3032/HHF](#)

Beretun Barn Cobblers Green

Proposed detached garage/store with home office and storage area over

Comment: The Parish Council do not object to this proposal but would like to raise a concern that it is situated very close to the byway. The development could be moved further onto the land so that it would be safer to drive in and out of the garage.

[UTT/21/3088/OP](#)

Land Between Hop House And Hillside Hartford End

Outline application with all matters reserved except access for the erection of 4 no. dwellings.

Comment: Felsted Parish Council (FPC) objects to this application which is virtually a resubmission of the previously refused application - UTT/20/3368/OP.

Each planning application must be assessed on its own merits but we have appended our comments from the previous application as virtually all of the PC's previous comments continue to be relevant to this application. We would request that rather than repeating verbatim our previously submitted comments, that they are considered in addition to those below during UDC's consideration of this application.

This "resubmitted" application appears to rely on a challenge to UDC's own assessment of their 5 Year Housing Land Supply (YHLS), a claim that an independent

assessment concludes that it is below 3 years and that consequently, paragraph 14 of the NPPF should not be engaged and the fully “Made” Felsted Neighbourhood Plan be dismissed as irrelevant.

Felsted Parish Council do not believe that a planning application is the correct vehicle for raising such a challenge and if the applicant believes there are grounds to contest the published data, the matter should be raised directly with UDC Planning. A delegated Officer dealing with an individual application is not in a position to make such a judgement which would have resounding repercussions on many current and previously declared decisions.

UDC’s latest publically available published data (Housing Trajectory and 5 Year Housing Land Supply (HLS) for the period 2019/20 to 2023/24, published January 2021) states that the HLS is over 3 years and the NPPF paragraph 14 is engaged and therefore, in addition to conflicting with other UDC and NPPF Policies, this application should be refused due to conflict with the following Policies of the fully “Made” Felsted Neighbourhood Plan (FNP).

- *HN5 (building outside of VDLs)*
- *HN7 (housing mix, offering only executive homes)*
- *ICH4 (avoiding coalescence of the contained old brewery development with the rest of Hartford End)*
- *CWI (damage to the landscape of the countryside and its area)*
- *ICH1 (Impact to Heritage Assets)*

The applicant is noticeably selective in their references to the FNP in an attempt to discredit and undermine the significance of the FNP in a number of ways. Firstly they argue against UDC’s own assessment of their 5 / 3 YHLS and then they quote the FNP in their Planning Statement (under items – 36 & 38) where they imply that two Appeal Inspectors had “found against the FNP”. However, they conveniently fail to point out that in one example quoted (ref: APP/C1570/W/20/3246367), the appeal decision was declared at a time before UDC were able to demonstrate more than a 3 YHLS and in the other, (Ref: APP/C1570/W/19/3234739) that the appeal decision was declared both before UDC were able to demonstrate more than a 3 YHLS but also before the FNP was even a fully “Made” plan. Consequently, these references have absolutely no relevance to this application at all and it suggests that they are included purely as a smokescreen attempt to discredit the FNP.

We would add, that regardless of UDC’s 5/3 YHLS, the applicant appears to conveniently disregard the fact that there are numerous (non FNP) reasons why this proposed development is inappropriate and should be refused against perfectly sound, robust and defensible UDC and NPPF Policies. Even if UDC were unable to demonstrate in excess of a 3 YHLS (which published data says it can) the proposal fails to respect the relevance of the historical setting of the former brewery and the countryside location of both the Victorian Brewery and Hillside (House). “Heritage” is not simply about individual “Listed buildings”, it is about the historical fabric and setting of a settlement or community. Any change to the historical fabric and the wider setting of the former brewery and its associated dwellings including Hillside will be irreversible.

The NPPF does not sanction any lack of a 5 (or 3) YHLS as being justification for poor planning decisions by a Local Planning Authority.

UDC's previous refusal of application UTT/20/3368/OP concluded that the (almost identical) proposal, would:

- *“fill the gap which currently exists along the B1417 road frontage at this rural location between Hillside and Ridley Green whereby the gap serves as an important visual break between the established linear frontage housing to the north and the new housing development on the former brewery complex to the south whereby the site cannot reasonably be described as representing a sensitive infill site. The level of rural amenity harm would be both significant and demonstrable whereby the proposal would be contrary to the NPPF, ULP Policy S7 of the Uttlesford Local Plan (adopted 2005)”.*

Nothing has changed and this application would result in exactly the same “significant and demonstrable rural amenity harm” as the previous (refused) application.

The applicant makes a clear contradictory statement in their “Planning Statement, under “Impact on the Character of the Area”, where they say (under item – 26):

- *“The character of the area is one of linear development with a more substantial residential development on the former brewery site, surrounded by countryside. The proposal in keeping with this character”*

*This statement could hardly be further from reality as the proposed development is completely out of keeping with the character of the area. They say the “character of the area is one of linear development”, which is most definitely **not** the case at present but if this proposal were approved it would indeed create an unbroken linear line of buildings, located behind a completely uncharacteristic suburbanising service road running parallel to the B1417 and ultimately absorbing Hillside, where currently a natural green break exists between the dwellings. In their submission to the previously refused application, the Parish Council stated:*

- *“The current feeling one gets when driving through Hartford End is of a former industrial site showing relics of its Victorian past but, importantly, located in an attractive river valley and in open countryside. The former brewery is separated from the other dwellings in Hartford End which are themselves, of varying periods and styles in a scattered layout punctuated by green spaces. To allow the creation of a long unbroken line of housing along the full length of the road absorbing both Hillside and The Brewers House will irreversibly harm the historic open character of Hartford End, and it would be contrary to policy ICH1, Impact to Heritage Assets, of the Made FNP”.*

It is important and relevant to point out that Felsted Parish Council did not oppose development of the old brewery as it was recognised that this was a “brownfield” site and the PC considered the proposal to be a well-considered and thoughtfully

designed proposal which respected the setting of the Victorian brewery. It was important that the development was kept separate and distinct from the other dwellings within Hartford End by retaining the green space between the brewery and Hillside. This is the green space which is now the subject of this application.

The natural “open countryside, river valley setting” which characterises Hartford End and the significant contribution from the green space between the old brewery site and Hillside would be lost forever under this proposal and Felsted Parish Council oppose this application for the many reasons stated.

Addendum

Felsted Parish Council Comment on UTT/20/3368/OP Land Between Hop House & Hillside Hartford Outline application with all matters reserved except access for the erection of 4 no. detached dwellings

Felsted Parish Council object to this application for the reasons stated below. This proposal is associated with a separate application for an additional dwelling submitted under UTT/20/3323/OP for which the Parish Council has also submitted an objection.

The “illustrative layout” submitted with the application shows not only the proposed four new dwellings but an additional house situated between The Brewers House and Hillside, mentioned above. Each application is of course considered individually and therefore Felsted Parish Councils objection is specific to this application, but it is also relevant that the cumulative impact of the two separate applications is taken into consideration.

The combined effect of these four dwellings and the additional house located between Hillside and the old Brewery will result in the total loss of an important green space separating the old brewery site and the property known as Hillside, resulting in an unacceptable linear “suburbanisation” of this part of Hartford End. This is against policy ICH4 of the Made Felsted Neighbourhood Plan (FNP), covering the avoidance of coalescence of the contained old brewery development with the rest of Hartford End.

The current feeling one gets when driving through Hartford End is of a former industrial site showing relics of its Victorian past but, importantly, located in an attractive river valley and in open countryside. The former brewery is separated from the other dwellings in Hartford End which are themselves, of varying periods and styles in a scattered layout punctuated by green spaces. To allow the creation of a long unbroken line of housing along the full length of the road absorbing both Hillside and The Brewers House will irreversibly harm the historic open character of Hartford End, and it would be contrary to policy ICH1, Impact to Heritage Assets, of the Made FNP.

The unacceptable impact on the countryside from this development would be contrary to UDC Policy S7 of the Uttlesford Local Plan and policy HN5, development outside of VDLs and policy CW1 for damage to the landscape of the countryside and its area, of the FNP.

There are other issues which also require consideration with regards to sustainability. The Parish Council are becoming increasingly concerned about the cumulative impact on the infrastructure of Felsted including, but not restricted to, the Primary school in Felsted. Felsted has had around 150 new houses (excluding replacements) approved by UDC or on Appeal in the past 2 years, add 63 supported in the FNP and that's well over 200 new dwellings.

Where are the approximate 60 additional Primary Pupils going to go to school and what is the sustainability argument for bussing or driving an additional 40 Secondary School children to either Great Dunmow or Braintree?

Sustainability should not be confined to things like vehicular use, pedestrian access and bus routes etc. but should include unacceptable pressure on local infrastructure, schools etc. The Essex County Council - Local and Neighbourhood - Planners' Guide to School Organisation (PGSO) dated January 2018 (minor revisions May 2020), suggests a factor of 0.3 Primary child places and 0.2 Secondary places per new house. The children have to be schooled somewhere!

In addition to the sustainability issues the proposed development would be contrary to policy HN7, housing mix, which specifically identifies the need for affordable housing. Whereas this application offers only executive houses.

The development of the old brewery was a carefully considered exercise and, as far as is possible when delivering something like 25 new dwellings, not only was a substantial proportion of the original Victorian brewery building retained, but development included replacing and extending part of it in a sympathetic style. The result was a successful and sensitive adaptation of the brewery and its site, whilst maintaining separation from the existing housing within Hartford End. Therefore to allow this infill development would be wrong and against UDC's development plan and a dangerous precedent for further development.

In their Planning and Transport Statement the applicant makes numerous references to the FNP, and fully recognising that this application conflicts with the FNP in several areas. Specifically, under point 26, it is recognised that the application fails against policy HN5. The application counters with the lack of a 3 year land supply as the sole reason for HN5 not applying and for paragraph 11 of the NPPF being engaged.

Unfortunately, they quote an out of date 2019 - 3 Year HLS figure of 2.68. 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 1 year old must be recognised as not only a fundamental component of the ULP but as an important part of the statutory local development plan, carrying substantial weight.

It should also be noted that in addition to UDC being able to demonstrate a 3.11 Year 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 Parish Council would also like to raise the Appeal Decision for UTT/19/2994/OP (Land To Rear Of Jolly Boys Lane South And Causeway End Road) an application for 5 houses which was refused on a number of grounds including harm to the area. At the time of that decision there was a lack of 3 years HLS, yet the Inspector still refused the application. This reinforces the position that a lack of 3 or 5 year housing supply is not sufficient to justify inappropriate building in the countryside.

In summary:

This application fails against policy S7 of the Uttlesford Local Plan as there is no identified or proven need to build in the Countryside.

The application acknowledges its complete failure to comply with key requirements of the FNP but attempts to mitigate this through a claimed lack of 3 year HLS.

However, this is out of date. Now that UDC are able to demonstrate a 3 year HLS the Made Felsted Neighbourhood Plan is the principal planning document.

We have demonstrated that this application fails against key policies of the FNP, namely:

- *HN5, building outside of VDLs.*
- *HN7, housing mix, offering only executive homes.*
- *ICH4, avoiding coalescence of the contained old brewery development with the rest of Hartford End.*
- *ICH1, Impact to Heritage Assets.*
- *CW1, damage to the landscape of the countryside and its area.*

Felsted Parish Council therefore strongly believes that this application should be refused

Additional Information:

The application repeatedly seeks to justify the development based on it being in accordance with NPPF policies for acceptable infill.

However, we have recently been informed by Court of Appeal judgment of 9/3/21 covering the interpretation and application of policies in the National Planning Policy Framework ("NPPF") against the development of "isolated homes in the countryside", link: <https://www.bailii.org/ew/cases/EWCA/Civ/2021/320.html>

The rulings, specifically sections 32 to 35, provide for and support an interpretation of unacceptable isolated homes in the countryside being beyond those literally separated from all existing dwellings, into an interpretation including the type of scenario exhibited in this application.

We submit that the interpretation of acceptable infill offered by the applicant is in fact informed by this decision as unacceptable building of isolated homes in the countryside.

We therefore believe it is a further overwhelming reason for refusing this application.

6. **Decisions received since 17th August**

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

Mole Hill Green, Riverside Books Ltd Pyes Farm Molehill Green

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

Permission Granted – 18th August 2021

[UTT/20/3404/HHF/](#) [UTT/20/3405/LB](#)

Buckcroft Braintree Road

Proposed demolition of existing conservatory and replacement with side extension (variations to earlier approved scheme) Proposed removal of flat roof dormer within roof space and replacement with monopitch lean to surfaced in slate. Minor alterations and proposed installation of screen enclosure incorporating pedestrian and pair of gates.

Permission Granted – 18th August 2021

[UTT/20/3102/DFO](#)

Farm Yard South Of Causeway End Road

Details following outline application UTT/19/0027/OP for 4 no. dwellings - details of appearance, landscaping, layout and scale

Permission Granted – 26th August 2021

[UTT/21/1511/HHF/](#) [UTT/21/1512/LB](#)

Peartree Farm Mole Hill Green

Demolition of modern extensions, removal of modern staircase and construction of new single storey extension

Application Withdrawn – 27th August 2021

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

Straits Farm Dunmow Road Stebbing

Proposed replacement external windows and doors

Permission Granted – 1st September 2021

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

Garnetts Cottage Braintree Road

Installation of replacement boiler with flue on side wall of property

Permission Refused – 2nd September *‘insufficient information has been provided to assess whether the proposal will be detrimental to the fabric and character of the Grade II listed building ‘Garnetts Cottage’ and whether potential development will cause harm to the significance of the listed building.’*

[UTT/20/2035/LB/](#) [UTT/20/2034/FUL](#)

Graunt Courts

Conversion of barns three and four (plot 2) into a separate dwelling, including small link extension uniting buildings (alternative scheme to that approved under planning permission UTT/18/3238/FUL in order to incorporate minor alterations to previously approved scheme for barns 3 and 4)

Permission Granted – 6th September 2021

[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)

Permission Refused – 14th September 2021 *‘it would, by virtue of lack of justification and out of keeping appearance, cause harm to the character and appearance of the host dwelling and surrounding settlement,’*

[UTT/21/2109/HHF](#)

Limeen 25A Station Road

Conversion of existing loft space to provide 2 additional bedrooms and bathroom/shower room. Provision of pitched dormer windows to rear elevation and Velux style roof windows to front elevation

Permission Refused – 20th September 2021 *‘it is unacceptable by reason of its size, scale, design and form, failing to appear subservient and subordinate to the host dwelling. The proposed rear dormers will add an unreasonable bulk and massing that will dominate the rear elevation. Further, the proposal is considered to produce adverse effects to the neighbouring properties amenities.’*

[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

Permission Granted – 20th September 2021

[UTT/21/0867/FUL](#)

Mill House Mill Lane Hartford End

Proposed demolition of barn and erection of 1 no. Estate Manager's cottage and cart lodge

Permission Granted – 28th September 2021

[UTT/21/2613/HHF](#)

Field View Stevens Lane Felsted

Proposed single and two storey rear extension.

Permission Granted – 4th October 2021

[UTT/21/2726/HHF](#)

Peverils Bannister Green

Proposed raising of existing roof to provide first floor living accommodation, two storey rear extension and replacement garage

Permission Granted – 15th October 2021

[UTT/21/2364/HHF](#)

Foxtons Mole Hill Green

Two storey side and rear extensions - amendment to that approved under UTT/20/3140/HHF

Permission Granted – 15th October 2021

7. **Applications made between 18th August and 21st September**
The Committee ratified the responses to the following applications:

[UTT/21/2613/HHF](#)

Field View Stevens Lane

Proposed single and two storey rear extension

No Comment

[UTT/21/2364/HHF](#)

Foxtons Mole Hill Green

Two storey side and rear extensions - amendment to that approved under UTT/20/3140/HHF

No Comment

[UTT/21/2665/FUL](#)

Holy Cross Church Braintree Road

Removal of remnants of existing front boundary wall and hedge and erection of red brick wall topped with metal railings

Comment: In acknowledging that this application is made by Felsted Parish Council, the Planning Committee supports this application.

[UTT/21/2726/HHF](#)

Peverils Bannister Green

Proposed raising of existing roof to provide first floor living accommodation, two storey rear extension and replacement garage

Comment: The Parish Council recognises the concerns of the neighbours regarding the scale of the extension, the potential intrusion on their privacy, and the impact on their outlook.

[UTT/21/2767/LB](#) / [UTT/21/2766/HHF](#)

Terleys Mole Hill Green

Proposed single storey front extension and associated alterations

No Comment

[UTT/21/2514/HHF](#)

Helpstons Manor Hollow Road

Proposed outbuilding

No Comment

[UTT/21/2817/FUL](#) / [UTT/21/2818/LB](#)

Blackleys Farm Milch Hill Lane

The restoration, alterations and two storey and single storey extensions including partial demolition of later additions of the main farmhouse. The conversion of 2 no. vacant barns within historic farmstead including link extension and placement structures with associated landscaping, engineering and operational development and new vehicular access

Comment: Whilst the Parish Council supports the principle of restoring old dwellings and disused buildings, it does have some concerns about the suitability of the location for two new dwellings within the countryside with respect to accessibility.

[UTT/21/1755/DFO](#)

Land To The South Of Braintree Road

Details following outline approval UTT/18/3529/OP (approved under appeal reference APP/C1570/W/19/3234739) for the erection of up to 30 no. Dwellings with associated roads and infrastructure - details of appearance, landscaping, layout and scale.

Comment: The recent submission of a “Revised Block Plan” by the applicant caused Felsted Parish Council to reassess the full application and it was noted that the dwellings in the DFO had increased in mass by some 30%, when compared to the “Allowed Appeal” application which we feel is disingenuous to the process of Inspector approval.

There is no way to know if the Inspector would have approved these larger dwellings and so by definition the appeal allowed by the Inspector is not this application. As such it should be refused.

With the increased mass of the dwellings including increases in the number of bedrooms and with many of the garages incorporating second story accommodation, further intensifying mass and capacity, the DFO application is inconsistent with the Allowed Appeal application plan and a revised plan of a scale more consistent with the Allowed Appeal should be sought.

8. Applications with overrun determination deadlines

It was noted that the following applications have overrun their determination deadlines. The Chairman has brought this to the attention of Uttlesford District Council who have reassured him that they are bolstering the resources of the Planning Management Department in order to improve working practices and provide a better service.

[UTT/21/1897/FUL](#)

Bury Farm Bury Chase

Proposed erection of 1 no. Dwelling with associated garaging and landscaping

[UTT/21/1853/OP](#)

22 Ravens Crescent

Outline application with all matters reserved for the erection of 1 no. bungalow together with new access including replacement vehicular parking for no. 22 and associated external works

9. Draft Local Plans -[Uttlesford DC](#), Braintree DC

No Comment

10. Additional response to APP/C1570/W/20/3263184 Land to the West of Chelmsford Road Felsted Essex

The Assistant Clerk contacted the Planning Inspectorate about Appeal APP/C1570/W/20/3263184 Land to the West of Chelmsford Road Felsted Essex, to highlight the similarities between that Appeal and the recent dismissal of Appeal APP/C1570/W/20/3263440 Land to the north of Rosemary Lane, Bran End (decided on 27th August 2021).

Although the deadline for submissions had formally closed she brought to the attention of the officer dealing with the case that “There are so many parallels with the

two sites (which are both within Uttlesford) with regard to safe access, impact on heritage assets and harm to the countryside that the conclusion is relevant. In considering the Planning Balance, the Inspector concluded that UDC's Policies S7, GEN1, GEN2, GEN7 and ENV7 were generally consistent with the NPPF in terms of its aims to promote sustainable transport, achieving well-designed places, protecting heritage assets and conserving and enhancing the natural environment.'

11. Other Urgent Planning Business and Future Dates

- a) The Assistant Clerk was contacted by the applicant for [UTT/21/2726/HHF](#) - Peverils Bannister Green about the Parish Council's response to the application.
- b) It was noted that Clearstone Energy Ltd has now produced a Brochure and website further outlining their proposal to for a solar farm development east of Willows Green, but that Clearstone Energy Ltd has not yet submitted a planning application to Uttlesford District Council.

DLP Planning Ltd, acting for Clearstone Energy Ltd, has also arranged a public consultation on 27 October 2021 from 14.00-19.00 at Felsted Memorial Hall, Braintree Road, Felsted, Essex, CM6 3DY.

Next Planning meeting scheduled for the 16th November at 6pm

..... Chairman 16th November 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>