

FELSTED PARISH COUNCIL
Minutes of the Planning Committee Meeting
Tuesday 20th August at 6pm

Attending: Councillors, Richard Freeman (Chairman), Clive Perrins and Roy Ramm.
In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

There were apologies for absence from Cllrs Graham Harvey, Hywel Jones and Andrew Parker.

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 16th July meeting were formally approved. They will be signed at the next Full Parish Council Meeting.

5. New Applications to be considered

[UTT/24/1719/LB](#) / [UTT/24/1718/HHF](#)

Roslyn House Braintree Road.

Install a Stannah Stairlift.

No Comment.

[UTT/24/1796/LB](#) / [UTT/24/1795/HHF](#)

Cressages 2 Cressages Close Bannister Green

Single storey rear extension to existing kitchen.

No Comment.

[UTT/24/1834/HHF](#)

Post Office House Hartford End

New garden store, new garage, and improved vehicular access - further to UTT/23/3086/HHF and UTT/24/1314/HHF.

No Comment.

[UTT/24/1790/HHF](#)

27 Station Road

Demolition of existing outbuilding and replacement domestic outbuilding to be used as incidental accommodation including garage, workshop, studio and guest annexe.

No Comment.

[UTT/24/1855/FUL](#)

Land West Of Bury Farm Station Road

S73 application to vary condition 1 (approved plans) of UTT/22/1078/DFO (Reserved matters application, following approval of UTT/22/1078/DFO, for appearance, landscaping layout and scale, for the proposed development of a doctors surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL) - amendments to originally submitted

plans S73 application to vary condition 1 (approved plans) of UTT/22/1078/DFO (Reserved matters application, following approval of UTT/22/1078/DFO, for appearance, landscaping layout and scale, for the proposed development of a doctors surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL) - amendments to originally submitted plans.

Comment: Felsted Parish Council does not have any concerns over the proposed Health Centre revisions but strongly objects to the reduction to the proposed parking provision.

The drawing is now showing only 20 parking spaces (plus 3 blue badge spaces and one "drop off" space), but the "Detailed Following Outline" application (UTT/22/1078/DFO) referred to identifies 31 parking spaces (including 6 disabled) and 31 spaces were confirmed in the accompanying Bidwells Supporting Planning Statement – item 3.10 on page 6.

31 spaces were also clearly specified in UTT/23/0875/DOC (Application to discharge condition 7) which included 31 car parking spaces.

This application gives no explanation or justification for a reduction in parking spaces for the facility and the reduced parking is both inadequate to service 7 consulting rooms, significant medical and administrative staff requirements and a busy dispensary.

The original "Outline Application" - UTT/18/2508/OP actually suggested 53 parking spaces. Whilst that was an unnecessarily high number of parking spaces the subsequently approved DFO number of 31 was considered appropriate and this number must be maintained.

We would finally add that the summary District Valuers report calculations supplied by Hertfordshire and West Essex Integrated Care Board (NHS) was based on the provision of 31 parking spaces.

This application is therefore not consistent with previously approved parking specifications and requires amendment to revert to existing agreed specifications.

[UTT/24/1888/HHF](#)

Frenches Barn Frenches Green

Proposed manege and erection of estate fencing and access gates.

No Comment.

[UTT/24/2030/FUL](#)

Tarcquita Braintree Road

S73 Application to vary condition 2 (approved plans) attached to UTT/24/0239/FUL (Demolition of existing bungalow, outbuildings and hardstanding areas, and erection of 2 no. bungalows with additional landscaping) - Amendments to the approved block plan.

Comment: Felsted Parish Council can not see sufficient changes to the original plans to make a meaningful comment on this application.

6. Decisions received since 16th July.

[UTT/24/1398/HHF](#)

Vine Cottage Gransmore Green

Installation of a domestic Air Source Heat Pump (12kW)

Permission Granted - 15th July 2024

[UTT/24/1276/FUL](#)

Barn At Princes Halfyards

Demolition of existing Dutch Barn and replacement with 2 no. new dwellings.

Permission Granted - 6th August 2024

7. Appeals to Consider

[UTT/23/2526/FUL](#)

APP/C1570/W/24/3348002

Land To The West Of Chelmsford Road

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 5 no. utility buildings and construction of new access.

Comment: Felsted Parish Council seeks dismissal of this Appeal. This is virtually a resubmission of the previous application on this site UTT/19/3091/FUL which was also refused by Uttlesford District Council (UDC) and subsequently dismissed on Appeal Ref: APP/C1570/W/20/3263184.

Before commenting on the previous refusal and dismissal, we would point out that there appears to be confusion over the correct name of the “applicant”. The Appeal form clearly states that “The name of the person(s) making the appeal must appear as an applicant on the planning application form”, but the original application was made in the name of Mr Christopher Ryan and the Appeal is made in the name of Mr Christopher Alan, with the agent, (Phillip Brown BA (hons)) in his Statement of Case referring to a Mr Christopher Allen.

Felsted Parish Council submitted robust objections to the original 2019 Planning Application and the associated Appeal and have again objected to this further 2024 application. We will not repeat the many reasons for our objections here but would ask that the Inspector takes full account of the comments in our previous submissions, which continue to be wholly relevant to this further application and Appeal.

The reasons for the repeated refusals and previous Appeal dismissal by different Planning Officers and the Appeal Inspector have been consistent, quoting conflict with the National Planning Policy Framework (NPPF), UDC Local Plan Policies and Policies in the fully “made” Felsted Neighbourhood Plan (FNP).

We comment below on the many reasons for UDC’s refusal and the previous Appeal Inspectors dismissal and in particular, we highlight the absence of any credible response or challenge by the appellant to the many justified reasons for refusal of the original application, to that Appeal or to the UDC Officers further refusal. This application continues to appear to be purely speculative, with no future occupants for the site being identified or any specific local need referenced. The applicant (regardless of what might be the correct applicant’s name) appears not to be located locally and gives no indication of any local potential occupant.

Simply submitting repeated applications with just minor layout changes and appealing what are perfectly legitimate refusals without providing any substantive challenge to these legitimate refusals or appeal dismissals when the reasons and Policy conflicts have been clearly identified appears to be no more than an attempt to frustrate properly conducted due process.

Apart from minimal changes to the layout this application is fundamentally the same as the previously dismissed application with nothing proposed that would lessen, mitigate or eliminate the irreversible and damaging impact such a development would have on this part of Felsted parish as identified by the UDC Planning Officer and the Appeal Inspector, both of whom made clear that the proposal was not considered to be sustainable development.

Important: Provision of future “Felsted” gypsy sites within the Uttlesford local Plan

Before commenting further on the previous refusals and appeal dismissal, we would draw the Inspectors attention to the emerging Local Plan of Uttlesford District Council (UDC) which is now at a very advanced stage. Approval was recently granted by the Full Council at an Extraordinary Meeting (on 30th July 2024) for the Regulation 19 Plan to proceed to final consultation and submission to the government for examination.

With this further progression, the UDC Local Plan must now be afforded “substantial weight”.

The UDC emerging Local Plan includes “Core Policy 60: The Travelling Community” - see page 263 of the Uttlesford Local Plan 2021-2041 Publication’ Regulation 19 Version Local Plan (URL link below), which includes an assessment for “accommodation requirement for Gypsies, Travellers and Travelling Show People in the District, who meet the definition outlined in the Government’s Planning Policy for Traveller Sites (PPTS), to be delivered between 2023 and 2028”.

*Importantly, the emerging Regulation 19 Plan proposes the introduction of 18 additional traveller pitches throughout Uttlesford District **of which 14 pitches are proposed to be located on the existing Felsted, “Pits Cottages” Site** (with a further 4 pitches at three other Uttlesford locations).*

<https://uttlesford.moderngov.co.uk/documents/s36500/Regulation%2019%20Local%20Plan%20for%20LPP.pdf>

With the proposed 14 additional pitches at the existing Felsted Site there can be absolutely no justification for the creation of a damaging and wholly inappropriate “open countryside” / “green field” site in a location that the previous Inspector concluded “would cause harm to the character and appearance of the area. It would be contrary to section 12 of the Framework, Local Plan saved Policies S7, GEN2 and Felsted Neighbourhood Plan Policies, CW1 and IH1 which seek to achieve a high-quality design, protecting and enhancing character and setting”.

Additional pitches situated within the existing “settled Felsted community” is an acceptable “plan driven” proposal whereas the establishment of a wholly new site just (approximately) one mile from the established Felsted site in a sensitive countryside location that has

already been declared to be inappropriate for multiple planning reasons for not only a gypsy site but also for market housing must be dismissed.

Felsted Neighbourhood Plan.

We would firstly point out that despite the previous Appeal Inspector frequently referencing conflict with Policies in the FNP as one of the legitimate reasons for dismissal; the appellant in their 21 page “Statement of Case” does not reference the FNP on a single occasion.

Our “fully made” Neighbourhood Plan became the most up to date component of the “Statutory Local Development Plan” for Felsted and the appellant is therefore either ignorant of the statutory “planning weight” of a fully “made” Neighbourhood Plan or is simply choosing to ignore it because as an inconvenience and obvious obstacle, they have simply chosen to treat it as if it does not exist.

We would add that the current Felsted Neighbourhood Plan supported 63 dwellings (including associated infrastructure) within Felsted which, following the “making” of the FNP, have since received planning approval and are currently under construction (on two separate sites). The emerging Regulation 19 UDC Local Plan allocates a further 104 dwellings for Felsted. The Felsted Neighbourhood Plan is currently undergoing a formal review and the Felsted Neighbourhood Plan Review Group has accepted from UDC the responsibility for identifying the necessary sites for these additional 104 dwellings. The process is well underway with public consultations regarding possible site selections having already taken place. We mention this purely to demonstrate to the Inspector that the FNP, as a democratically supported community Plan, is delivering important housing and infrastructure for our community in support of UDC’s 5 Year Housing Land Supply.

The FNP, in addition to providing the appropriate structure to deliver the necessary “plan led” housing for Felsted, also contains the critical Policies which form the catalyst for protecting the integrity of the heritage and character of our parish that is so important to the residents of Felsted.

This application is in conflict with Policies FEL/CW1 (Landscape and Countryside Character), FEL/ICH1 (High Quality Design) and FEL/ICH4 (Avoiding Coalescence) of the made Felsted Neighbourhood Plan.

The 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=1582822087553

Justified reasons for previous refusal and dismissal

We concentrate our comments on those areas where there is clear conflict with legitimate Policies within the NPPF, the Uttlesford District Council (UDC) extant 2005 Local Plan or the fully “made” FNP.

The main reasons for the previous dismissal, which continue to be wholly relevant and the appellant has not chosen to challenge, were:

(Note: These quotes from the Inspector are limited extractions: as for brevity, only relevant text is included):

- *11. The site lies outside the development limits of Causeway End, Felsted, as defined in the Council's adopted Uttlesford Local Plan and is therefore located within the countryside. Saved Policy S7 of the seeks to protect the countryside for its own sake and states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. (Appeal Decision APP/C1570/W/20/3263184)*

This is exactly the same site, in "open countryside" and therefore continues to conflict with UDC Policy S7.

- *16. I noted on my site visit that the route has no footways and is unlit. The road is subject to the national speed limit, has several bends and vehicles travel at speed. Anyone walking would need to use the grass verge for safety reasons. In winter months the verge may be muddy and would not be ideal for the less mobile or a parent with a child in a pushchair. There is a primary school in Felsted however this is to the eastern end of the village approximately 3km walk.*

The site continues to be inaccessible on foot or cycle in safety, with no pavements or street lights and is located on a busy speed derestricted road. ECC Highways, for some unexplained and inexplicable reason performed a volte-face within just a few weeks of their original recommended refusal, when in their previous response to the application on exactly the same site for application UTT/19/3091/FUL, they recommended refusal stating:

- *"b. There are no footways to provide safe access and egress for pedestrians".*

Nothing has changed. Whist ECC Highways have for no obvious reason ceased to cite their previous concern, it is an undeniable fact that there continue to be "no footways to provide safe access and egress for pedestrians". This was also cited as a concern by the previous Appeal Inspector.

That application (UTT/19/3091/FUL) and ECC Highways response can be found at:

https://publicaccess.uttlesford.gov.uk/online-applications/files/8E9388B49BACF336C5A5349BBF277D85/pdf/UTT_19_3091_FUL-ECC_HIGHWAY_RESPONSE-3372263.pdf

- *17. Having regard to the distances involved and the nature of the route, I conclude that walking would not be an attractive option and that occupants of the site would be likely to use the private car. I acknowledge that Felsted could be reached by cycling but again due to the nature of the road, the number of bends and traffic speeds, this may not be an option of choice for many.*

Again, nothing has changed so there is continued reliance on car transport due to unsuitability of the road for safe access on foot (particularly, for example, a pedestrian with

a pushchair) or by cycle and despite the repeated inaccurate claim of the appellant, there are no bus stops in the vicinity of site (and it would be an unsafe location to introduce either a regular bus stop or a “school bus stop” due to the high speed of traffic and bends adjacent to the site).

- *18. In terms of public transport, I am advised that the nearest bus stop lies at the northern end of Chelmsford Road adjacent to Riche Close approximately 1.5 km away with just four buses a day running between Wethersfield and Chelmsford.*

Despite the appellant incorrectly claiming in both in their original Statement of Case and again falsely repeating this inaccuracy in their submission to this Appeal, saying “There are bus stops adjacent to the site”, there are no bus stops at all near the site. The closest bus stop is 1.5 Km away (with the No. 16 service providing just four buses per day). This bus stop cannot be reached without walking along the speed derestricted, unlit Chelmsford Road (Note: Not only are there no pavements, but in places even the verges are too narrow to walk on, so pedestrians must use carriageway itself).

- *21. Visually the appeal site is outside the settlement and being in agricultural use with mature hedgerow boundaries to Chelmsford Road has a distinct rural character. Causeway End itself is characterised by a ribbon of built development running north /south along the road. Residential properties comprise large, detached dwellings set in spacious plots with mature planting to their front gardens. This gives the settlement a verdant and semi-rural appearance.*

It is the combination of the “verdant and semi-rural appearance” and valued character of the rural area identified by the previous Appeal Inspector, coupled with the site being outside Village Development Limits in “open countryside”, which undoubtedly contributed to the previous Inspectors conclusion:

49. “Overall, in the final balance I consider that the harm to the character and appearance of the countryside and the harm to highway safety, significantly and demonstrably outweigh the benefits when weighed against the Framework taken as a whole. The proposal conflicts with the development plan and does not form sustainable development in the terms set out in the Framework or the PPTS”.

44. I have found that the proposal would be harmful to the character and appearance of the countryside in conflict with the development plan. I attribute significant weight to this harm.

For the multiple reasons given, Felsted Parish Council seeks dismissal of this Appeal.

8. Draft Local Plans - Uttlesford DC, Braintree DC

It was noted that Cllr Freeman and Cllr Ramm attended an Information Meeting about the Uttlesford Local Plan at UDC Council Offices in Saffron Walden on the 19th August.

9. Other Urgent Planning Business and Future Dates

Residents have expressed concern about an extractor fan outside Felsted School. The Assistant Clerk will contact the school about it.

Next Meeting is 17th September

..... 4th September 2024 Chairman

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>