

FELSTED PARISH COUNCIL
Minutes of the Planning Committee Meeting
Tuesday 21st March 2023

Attending: Councillors, Richard Freeman (Chairman), Andy Bennett, Penny Learmonth, Andrew Parker, Hywel Jones. In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

There were apologies for absence from Roy Ramm.

2. Declarations of Interest

There were no declarations of interest.

3. Public Forum

There was one member of the public present.

4. Approval of Minutes of Previous Meeting

The minutes of the 21st February meeting were formally approved. They will be signed when the Planning Committee next physically meet.

5. New Applications to be considered

[UTT/23/0515/FUL](#) (*Cllr Penny Learmonth joined the meeting at this point*)

Glan Howy Bannister Green

Erection of 1 no. detached dwelling.

Comment: Development of this site for one dwelling has previously been refused by Uttlesford District Council (UTT/21/1891/FUL) and also dismissed on Appeal (APP/C1570/W/21/3284569).

Whilst it is recognised that the size of the dwelling now applied for has been reduced, it should be noted that it was not the physical size of the original dwelling that was the reason for refusal and dismissal but the inappropriate location for development. The reasons for refusal and dismissal are as below:

Original application - : UTT/21/1891/FUL

Refusal statement:

“Taking into consideration the above factors, it is therefore concluded that the proposal does not accord with the Policy GEN2 of the adopted Uttlesford Local Plan 2005, Policy FEL/HN4 of the Made Felsted Neighbourhood Plan 2020 and relevant passages of the National Planning Policy Framework 2021, insofar as they relate to character and appearance”.

This refusal was then taken to Appeal (Ref: APP/C1570/W/21/3284569) which was subsequently dismissed.

Dismissal statement:

The Inspector, in dismissing the Appeal, included the following comments:

Comment 6 - “its siting would not reflect the prevailing layout”.

Comment 8 - “Consequently, whilst I conclude that the scale, height and design of the proposed dwelling would not be harmful, the siting of the proposed development would

harm the character and appearance of the site and surrounding area. The proposed development would conflict with the relevant provisions of Policy GEN2 of the Uttlesford Local Plan (LP) and Policy HN4 of the Made Felsted Neighbourhood Plan (MFNP). These policies, in summary, seek to ensure that development proposals are compatible with the surrounding area”.

Other relevant factors in previous application:

There were also concerns expressed about the unresolved question of access as the site does not currently benefit from a “right of access” over the service road from Burnstie Road identified as the only access in the application. It was stated that a “Right of Access” would need to be granted by UDC if the application were allowed and Felsted Parish Council raised the question of how the application could be approved without the absolute certainty that a new dwelling would be permitted an indefinite right of access?

This concern continues with the current application and it is noted that UDC Housing have themselves responded to this application with the following comment:

Consultation Response (UDC Housing)

“This application has been submitted with the proposed dwelling benefitting from an ‘existing vehicle access’ over the Council owned service road from Burnstie Road. Neither Glan Howy or the proposed new dwelling have vehicle access over this land as suggested on the plans. This has been confirmed by the Council’s Property Lawyer and we have seen no evidence to dispute this.

The service track detailed as ‘existing access’ is not suitable to accommodate most construction vehicles due to its width and limited turning space at the entrance. The service track leading to the car park is used as access by car of the residents of the bungalows, who require access at all times.

Right of Access would need to be obtained PRIOR to any vehicle use for either Glan Howy or the proposed dwelling including use of construction and delivery vehicles etc. Any costs arising from this would need to be covered by the applicant.

We have advised the applicant of this in our letter dated 15th April 2021, this explained the process of obtaining a Right of Access.

We ask this be a condition for the applicant should any planning permission being granted”.

UDC 5 Year Housing Land Supply (5 YHLS).

The applicants agent argues that because UDC are unable to demonstrate a 5 YHLS that paragraph 11 d of the National Planning Policy Framework (presumption in favour of sustainable development) should apply.

However, UDC is currently (December 2022) able to demonstrate a 4.89 Year Housing Land Supply, which leaves a negligible and vanishingly small deficit of 0.11 years. In real terms, this means that UDC are just 2 days short of a 5 Year (1825 days) objective and serious consideration needs to be given to the likely resentment of Felsted residents if UDC dismiss the fully made Felsted Neighbourhood Plan (which includes Policies that this application is in conflict with), when it was supported by over 91% of the voting residents of Felsted, and where the shortfall represents just 0.11 years (or 2 days).

Felsted Parish Council suggest that the ramifications for local democracy should UDC dismiss the fully Made Felsted Neighbourhood Plan for such an insignificant deficit when the vast majority of our community voted in favour of the FNP, would be sufficient to “significantly and demonstrably outweigh the benefits”.

For the reasons stated above (including the associated unresolved issue of a right of access), Felsted Parish Council continues to believe that this is an inappropriate location for development and that it remains in conflict with Policy GEN2 of the adopted Uttlesford Local Plan 2005, Policy FEL/HN4 of the Made Felsted Neighbourhood Plan 2020 and relevant passages of the National Planning Policy Framework 2021.

UTT/23/0508/PAQ3

Barn At Hole Farm Willows Green.

Prior Notification of change of use of agricultural building to 1 no. dwelling.

Comment: Felsted Parish Council does not usually comment on applications submitted under General Permitted Development Orders (GPDO's), however, this is an exceptional case and we are concerned that if approved, this Class Q application would circumvent the appropriate level of scrutiny which should apply when impacting a heritage asset. If allowed, a significant and irreversible negative impact on the setting of the grade II listed building, Hole Farm House (circa C16th or earlier) would result.

This would be contrary to Class Q, condition Q.2 (1)(e) which states that approval should not be given if: “the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses)”.

Felsted Parish Council, are concerned that in addition to this proposed development having an unacceptable and undesirable impact on an important heritage asset, we would also question whether the proposal can truly qualify as a “conversion” of the original barn (a condition under Class Q of the GPDO) rather than the proposal representing a replacement of the original building?

Undesireability.

Hole Farm House sits alone in an exceptionally secluded location where it has stood unmolested for hundreds of years and to permit such a fundamental change to its setting would permanently destroy its historical seclusion. It is unlikely that such development would be supported during any proper planning consideration as the seclusion of Hole Farm House is a critical component of the character and historic setting of the grade II listed building.

If permitted, the converted (or replaced) barn with its indicated footprint of 143.00sqm and ridge height of 6.46m would dominate the grade II listed Hole Farm House and the heritage building would become subordinate to a large modern construction (albeit of barn like appearance). The existing barn, notwithstanding its dilapidated state, currently blends naturally into the surrounding vegetation and countryside as an agricultural building without engendering subservience to the adjacent listed building and its current presence does not impact the seclusion of Hole Farm House.

Conversion of the barn (or replacement) into the inevitable contemporary home that will result would also generate an incompatible domestic development environment with the

associated paraphernalia of a large modern dwelling, which will inevitably include parked cars, additional lighting, overlooking and daily activities with regular comings and goings, in this semi isolated location.

The NPPF requires that any harm to the significance of a listed building be afforded great weight when measured against the public benefits of the proposal. In this instance the harm would greatly outweigh any limited public benefit that could be deemed to arise from the development, making the proposal “impractical or undesirable”.

Required building operations

Whilst Felsted Parish Council is not qualified to formally pass judgement on the capability of the existing barn framework for retention and utilisation, from the photographic evidence and the description of intended works provided it seems questionable that the original framework could realistically be considered adequate to support the proposed two story development without the introduction of a disproportionate amount of additional and independent structural support, exceeding what could reasonably be considered a “conversion”.

It is questioned whether the original frame was being retained in more of a cosmetic role to meet the conditions of Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO), rather than performing the structural function required. This would suggest that the building works would be going “well beyond what could reasonably be described as a conversion”, raising the question of whether this is the creation of an alternative replacement building rather than a true “conversion” of the original barn.

Planning Assessment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of decisions makers when considering whether to grant planning permission for development which affects a listed building or its setting (which would include the appropriateness of allowing a Class Q exemption under a GPDO).

Felsted Parish Council believes that for the reasons stated above, in consideration of the Class Q application, the request should be denied and a full Planning Application should be required to enable a proper and appropriate consideration of the application.

UTT/23/0476/FUL

Pump Court Mill Road

Demolition of stables and construction of 1 no. detached dwelling house with new access - further to UTT/22/2200/FUL.

Comment: Felsted Parish Council (FPC) objected to the previous application (UTT/22/2200/FUL), for an independent dwelling outside development limits in open countryside. Whilst it was acknowledged at that time that there was existing approval for development of the stable building (ref: UTT/16/0377/HHF) that approval was for a recreational building of 144 sq. m., as an ancillary building to the host dwelling (Pump Court).

The application for an independent dwelling, separate from the host dwelling, was considered by FPC to be an inappropriate development within the countryside and that approval would be contrary to UDC Policies S7, and GEN2, the NPPF and Felsted Neighbourhood Plan.

However, the concerns and objections of the Parish Council were overridden and approval was given.

It is relevant to highlight that in 2017, when initially seeking an increased building size to a footprint of 194sqm (and a ridge height of 5.55sqm) the application (UTT/17/1003/HHF) was refused by UDC, with the delegated Officer saying that the requested building (then a much smaller dwelling than now being sought) would be “harmful to the setting and character and appearance of the countryside” due to its unacceptable size.

In their (2017) report, the Officer said:

“the proposed development due to its excessive size and scale would result in a significant intensification in the built form within the immediate area that would intern alter the character of the surrounding locality and have an urbanising effect that would be out of context with the existing pattern of development, the existing dwelling house and a harmful to the setting and character and appearance of the countryside”.

However, following the refusal in 2017 of a building with a footprint of 194 sq.m., because it was considered to be too large, a further application was made in 2022 (UTT/22/2200/FUL) for a building of circa 118 sq.m., which again, was for an independent dwelling that would no longer be ancillary to the host dwelling. Felsted Parish Council objected but our objections were again overridden and approval was given.

This further application is for a significant increase in footprint of 282 sq.m., (now for a two story 5 bedroom, 5 en-suite dwelling) creating an even greater increase on the originally approved development which was in itself an increase on the initially approved ancillary building to the host dwelling. This further exacerbates the intrusion into open countryside which FPC has previously considered to be in clear conflict with UDC Policies S7, and GEN2, the NPPF and Felsted Neighbourhood Plan (Policy FEL/HN5).

The latest application extends that footprint much further to 282 sq.m., (and a ridge height of 6m) meaning that it would be 45% larger than the 194m building refused by UDC in 2017 for being too large and “out of context with the existing pattern of development” and well over double the size of the building (118 sq.m.) allowed in 2022!

The applicants agent in their “Planning, Design and Access / Transport Statement” (PDATS), in comment 5.0 (The Principle of a New Dwelling in the Countryside) state “The Council still cannot demonstrate a 5 year housing supply, the level around 3.52 so a marked shortfall remains” and they therefore argue that the Felsted Neighbourhood Plan should be disregarded and paragraph 11d should be applied allowing a “presumption in favour of sustainable development”. However, this statement is incorrect, as UDC is currently (December 2022) able to demonstrate a 4.89 Year Housing Land Supply, so far from this being “a marked shortfall” as claimed this leaves a negligible and vanishingly small deficit of 0.11 years.

In real terms, this means that UDC are just 2 days short of a 5 Year (1825 days) objective and serious consideration needs to be given to the likely resentment of Felsted residents if UDC dismiss the fully made Felsted Neighbourhood Plan (which includes a Policy that this application is in conflict with), when it was supported by over 91% of the voting residents of Felsted, and where the shortfall represents just 0.11 years (or 2 days).

Felsted Parish Council suggest that the ramifications for local democracy should UDC dismiss the fully Made Felsted Neighbourhood Plan for such an insignificant deficit when the vast majority of our community voted in favour of the FNP, would be sufficient to “significantly and demonstrably outweigh the benefits”.

This inaccurate statement means that the comment in the PDATS (5.1) that “there are no relevant development plan policies” is incorrect as the Felsted Neighbourhood Plan (Policy FEL/HN5) applies and as with Felsted Parish Councils previous objections which have been overruled, this is another example of where the Felsted Neighbourhood Plan should be respected and the application refused.

Felsted Parish Council considers this to be a wholly inappropriate further intensification of an already unacceptable development in open countryside.

[UTT/23/0470/HHF](#)

The Barn Evelyn Road Willows Green

Proposed installation of 64 solar panels to roof of garage and new EV charging point.

No Comment

[UTT/23/0513/HHF](#)

Windsor House 1 Dewdrop Close

Alterations to existing single garage to create double garage with office in roof.

No Comment

[UTT/23/0570/HHF](#)

Bury Farm Bury Chase

Proposed erection of single storey outbuilding as incidental leisure accommodation and home office to main dwelling together with associated operational development and landscaping (revised scheme following approval under TT/20/3068/HHF).

No Comment

[UTT/23/0726/HHF](#)

18 Clifford Smith Drive Felsted

Proposed single storey rear extension.

No Comment

6. Decisions received since 21st February

[UTT/22/3366/FUL](#)

Brooklands Stebbing Road Felsted

Section 73a retrospective application for outbuilding for a four year period

Application Withdrawn 9th March 2023

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

No Comment

8. Other Urgent Planning Business and Future Dates

The Planning Committee will consider the following application at the next meeting scheduled for the 18th April:

UTT/23/0522/LB / UTT/23/0521/FUL

Raj Mahal Braintree Road

Conversion of restaurant to residential dwellings at ground and first floor in the form of x 2 2bed/4person flats, x 1 1bed/2person flat, x 3 1bed/1person flats with associated amenity and parking at the Temple Building

..... 18th April 2023 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>