

Statement of Objection concerning:

Application UTT/21/3298/FUL: Erection of 30 dwellings with open space, landscaping, access and associated infrastructure. Land South of Cannons Lane, Hatfield Broad Oak, CM22 7HP



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On behalf of: Hatfield Broad Oak Parish Council

Date: 24/12/2021

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Introduction

This additional objection statement has been prepared on behalf of Hatfield Broad Oak Parish Council. The Parish Council objects to Application UTT/21/3298/FUL: Erection of 30 dwellings with open space, landscaping, access and associated infrastructure. Land South of Cannons Lane, Hatfield Broad Oak, CM22 7HP. It should be noted that over 90 local residents have also written to the council (Uttlesford District Council) objecting to the proposed development.

Planning History

Reference no.	Description	Decision	Date
UTT/21/1215/PA	Pre-application submitted 1st April 2021	No reply yet	N/A

A pre-application submission was made on 1st April 2021. A pre-application meeting was held on 29th June 2021. The applicant submitted a note regarding this meeting on 29th October 2021. To date there has been no formal response of the council to the pre-application submission or 'note'.

Of note the site has been rejected twice in the Council's former call for sites in 2015 and 2018.

The Proposal

The application site is located off Cannons Lane which runs east to west along the southern fringes of the existing settlement of Hatfield Broad Oak.



Hatfield Broad Oak lies 5 miles southeast of Bishop's Stortford within Essex. The village is historic, mentioned in the Domesday book, with a priory being founded in the 12th century.

The applicant (in the Design and Access Statement) states:

"The following details support an application for 30 new homes on an approximately 2.8 Hectare parcel of land with access from Cannons Lane. The site was put forward for inclusion within the Council's emerging Local Plan following their 'Call for Sites' request

which for the first time will consider green sites for inclusion within their Local Plan. The proposed development will provide a mixture of 1 bed, 2 bed, 3 bed, 4 bed and 5 bed housing and will include a 40% allocation of new affordable dwellings. The new dwellings will be designed in a traditional style with materials and design features influenced by the surrounding vernacular. The proposed design will include sustainable methods of drainage and ecological management and include a vehicular access route into the site with associated pedestrian paths and a hierarchical arrangement of roads throughout the layout.



The details within this document follow a thorough examination and comprehensive

assessment of the site and the wider surroundings and demonstrate the thought processes leading to a design proposal to include the following:

- *A range and mix of 30 dwellings to include a 40% provision of affordable housing.*
- *The inclusion of integrated open spaces incorporating children's play facilities.*
- *Sustainable drainage strategies.*
- *The retention, strengthening and enhancement of existing landscaping features.*
- *New strategic landscaping and strategies to encourage biodiversity.*
- *A carefully considered road hierarchy incorporating shared surfaces.*
- *Safer by Design principles.*



Our vision is to deliver a well-designed, verdant development combining attractive new dwellings within carefully balanced landscaped settings including the improvement and enhancement of the existing landscape and ecology to create a high quality new addition to the existing community. Key elements include:



- *Traditional housing forms within a landscape led design approach.*
- *Dwellings that frame and overlook the main streets providing active frontages.*
- *Double aspect dwellings that 'turn the corner'.*
- *Passive natural surveillance to parking and open spaces.*
- *On plot parking where possible to reduce car dominance.*
- *An integrated road hierarchy .*

- *Integrated landscaping.*
- *Retention and reinforcement of mature trees and hedgerows around the site perimeter.*
- *Policy compliant car and cycle parking standards.*
- *Policy compliant refuse strategies .*
- *Policy compliant garage designs.*
- *A fabric first approach to energy conservation.*
- *SuDs strategies.*
- *Sustainable strategies including the provision of charging points for low and zero carbon vehicles and covered secure storage for cycles.*
- *Generously sized private gardens.*
- *The inclusion of a village green as a central design feature.”*

Planning Policy

National Policy

National Planning Policy is set out in the National Planning Policy Framework (NPPF)¹. The NPPF is thus the basis of national planning policy but the Local Plan is the starting point for decision-making.

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”²

The last Local Plan adopted by Uttlesford was adopted in 2005 and is subject to the Secretary of States direction of December 2007 saving most of the policies which remain in place.

The introduction of the NPPF (2012) post 2005 is an important consideration potentially reducing the weight of the Local Plan policies where they are not in accord with the NPPF. However the NPPF³ is careful to note that existing policies should not be considered ‘out-of-date’ simply because they were made before the publication of the NPPF:

“However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

¹ January 2021 Department of Housing, Communities and Local Government (MHCLG).

² NPPF Para. 2

³ NPPF Para. 219

It should also be noted that once the NPPF (2012) was published the council was careful to have their saved policies examined for compatibility with the NPPF. ⁴

The NPPF is clear that decision making should be made in line with the Local Plan but it must also be sustainable.

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”⁵

With regard to the ‘presumption in favour of sustainable development’ Paragraph 11 is crucial to understanding this concept and its relevance to the application. This is of particular importance where a Local Plan is up-to-date planning decisions should be made in line with the Local Plan.

Paragraph 11 d) of the NPPF is relevant here as it sets out the approach to take should the Local Plan policies be considered ‘out-of-date’⁶ or where a council is unable to demonstrate a Five Year Housing Land Supply (5YHLS):

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

⁴ It should be noted that a Compatibility Assessment for the Local Plan (2005) and NPPF was conducted in 2012 and this will be referred to later in this Statement.

⁵ NPPF Para. 12

⁶ Not that I am suggesting the policies are ‘out-of-date’.

The council is currently stating that they have a 5YHLS figure of 3.11. This is important as if this is still the case 'The Tilted Balance' would be engaged.

The Tilted Balance

The term 'The Tilted Balance' is not specifically referenced in the NPPF but is deemed to refer to the application of paragraph 11 d). Effectively this term is used where additional weight, in favour of a sustainable development, is applied in decision-making, to account for a Councils Local Plans policies being out-of-date. Of course it is not my position that the Councils policies are out-of-date but it is demonstrably the case that the Council cannot demonstrate a 5YHLS (because it has said so) and The Tilted Balance is also engaged following court ruling where a 5YHLS cannot be demonstrated and therefore the council must grant permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

So the NPPF policies carry more weight (and the presumption in favour of sustainable development) than before The Tilted Balance is engaged even though importantly the Local Plan policies still carry weight as per the NPPF.⁷

Sustainable development

Whilst there is a presumption in favour of sustainable development the NPPF is clear that unsustainable development should not be allowed unless under very restricted circumstances. In fact the Government states that:

⁷ NPPF Para. 219

”The purpose of the planning system is to contribute to the the achievement of sustainable development.”⁸

Sustainable development is defined as having three over-arching objectives (see over-leaf for the excerpt from the NPPF)⁹:

- Economic objective;
 - Social objective; and
 - Environmental objective.
-
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

It is common for applications to readily pass the first two tests of sustainable development demonstrating short and long-term job creation and the provision of housing.

⁸ NPPF Para 7.

⁹ NPPF Para 8.

However the third objective, environmental, is much more difficult to establish and all three objectives must be proven. Notwithstanding that normally we can look briefly at the Economic and Social Objectives of the NPPF before coming to the Environment objectives.

The Economic Objective of Sustainability

The site is presently a Grade 1 agricultural site. The land thus has long term economic value which will be irreplaceable once built upon. Government policy recognises this aiming to see all new development on brownfield land:¹⁰

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

As discussed later in this policy section other than short-term building jobs there will be no economic benefit of building housing in this location. One could argue, with the loss of the agricultural land, there is a net loss of economic activity in the area in the long term and when set against the Environmental Objectives of the NPPF a greater net dis benefit in sustainability terms.

The Social Objective of Sustainability

There is no identified need for housing in this area and whilst some minor services would no doubt appreciate additional trade healthcare would be provided unsustainably outside the village and the primary school¹¹ may not have sufficient capacity. The applicant has failed to look at the balance of social objectives so cannot make a clear case that the proposed development is sustainable on this ground.

¹⁰ NPPF Para. 119

¹¹ Access to secondary schools requires travel out of the village.

The Environmental Objective of sustainability

The application must demonstrate the following:

- That it contributes (i.e improves) the protection of the natural environment;
- That it contributes (i.e improves) the protection of the built and historic environment;
- It makes effective use of land;
- Improves biodiversity;
- Uses natural resources prudently;
- Minimises waste and pollution; and
- Mitigates and adapts for climate change including moving towards a low carbon economy.

Rural Housing

Paragraph 78 of the NPPF is clear in that it requires rural housing to be responsive to local need:

“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”

Building a strong, competitive economy

If we look at the economy with no planned expansion of job creating land or intensification of existing sites in Hatfield Broad Oak (which are all fully used) the application cannot provide any long-term economic benefit to the area. One could argue that there is a district benefit in terms of spending power and potential labour force but this is not place-specific and of course dependent on unsustainable travel outside of Hatfield Broad Oak.

Put simply if the applicant wanted to claim an applications local spending power and labour force benefits outweighed harm (through unsustainable travel (for example)) they would not pick this site outside of a village, requiring no additional labour.

Supporting a prosperous rural economy

The applicant does not address this section of the NPPF. This is unsurprising as it provides no evidence it supports elements a), b), c) and d) of paragraph 84.

Indeed looking at paragraph 84 the application clearly fails the test of this paragraph in that it fails *“to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”* Given that the application fails to provide additional benefits for foot or cycling access or public transport and puts much more traffic across already congested local roads within and outside of Hatfield Broad Oak it clearly fails to address the requirements of paragraph 84 and should be refused. Perhaps why the applicant did not address this section of the NPPF.

Promoting sustainable transport

In addressing this aspect of the NPPF the applicant does not discuss how the application will promote sustainable transport. Indeed other than providing a new junction which will serve to worsen the situation traffic-wise in the local area there is no promotion of sustainable development proposed. The development will actually exacerbate traffic issues in Cannons Lane; more on this later.

Making effective use of land

The applicant has not provided evidence that this site is sequentially preferable to, say, brownfield land available in the other parts of the district. As green field land, outside of the settlement boundary it must be questioned whether the intended use of this land vis-a-vis other land available is desirable.

Conserving and enhancing the natural environment

There are no International/ European¹² sites in the area. There are a significant number of sensitive sites in the immediate area however. The sites include:

- National Nature Reserve (Hatfield Forest Site) 2.6km north-west of the site;
- Site of Special Scientific Interest (Sawbridgeworth Marsh) 5.3km to the west of the site;
- There are some no-statutory local wildlife sites with none being closer than 0.8 km from the site.

¹² Special Areas of Conservation, Special Protection Areas or RAMSAR sites.

Planning in Uttlesford

The Council has had a troubled history with regards to planning policy and specifically maintaining a plan-led planning regime.

The status of the Local Plan

The Council's current Local Plan was adopted in 2005 with policies saved by the Secretary of State in 2007.

Uttlesford's new Local Plan, which was submitted for examination in January 2019, proposed three new garden communities at Easton Park, North Uttlesford and West of Braintree. Of note this local plan would have generated a 5YHLS of 5.65.

The draft plan was withdrawn in April 2020 following criticism of the lack of detail in the plan.

The Council is required to find sites for 18,500 homes over the plan period and is yet to submit a new draft local plan for examination.

This does not mean the 2005 Local Plan is out-of-date, nor the policies contained therein, but only policies that have been saved by direction of the Secretary of State in 2007 and in concord with the NPPF (2021) can be considered to carry weight.

Notwithstanding this point The Tilted Balance is however engaged due to the lack of a 5 Year Housing Land Supply (5YHLS).

5 Year Housing Land Supply

The Council has conceded as recently as January 2021 that it can only demonstrate a 5YHLS of 3.11¹³.

This statement uses a base date of 31st March 2020. It demonstrates that housing de-

¹³ UTTLESFORD DISTRICT COUNCIL HOUSING TRAJECTORY AND 5-YEAR LAND SUPPLY STATEMENT STATUS AT APRIL 2020 (January 2021)

livery in the run up to the Covid Pandemic and during the economic turmoil / investment uncertainty associated with the Brexit negotiations has been strong with 124% of required delivery in the 3 years up to April 2020.

Looking forward however delivery is expected to be lower due to a lack of sufficient sites, with planning permission being available, resulting in a figure of 3.11 years.

The Tilted Balance is engaged

As discussed earlier in this document the lack of a 5YHLS means that The Tilted Balance is engaged, as per Paragraph 11(d) of the NPPF, however this does not give applicants carte blanche to build everywhere.

So what is the test?

With regards to decision making for this application the council must frame this application with the following tests:

- 1) The presumption in favour of **sustainable** development;
- 2) The NPPF;
- 3) Saved local plan policies that concord with the NPPF and other relevant local policy.

I have already set out the NPPF policies that the application must adhere too and to an extent sustainability (though I will come back to this in more detail). This next section sets out local policy relevant to the application.

Local Policy

The 2005 Local Plan and 'Saved' policies. As discussed earlier the Secretary of State 'saved' a number of policies from the 2005 plan. With the advent of the NPPF in March 2012 The council wisely commissioned a Compatibility Assessment to ascertain what policies were in concord with the NPPF and therefore still relevant and carrying weight.

The exercise was conducted by Ann Skippers Planning with policies being categorised as:

- **"No Implications** - where the NPPF is silent on the topic or the policy covers a locally determined boundary or other issue;
- **Consistent or Generally Consistent** - the policy generally accords with the NPPF;
- **Principle (sic) Consistent** - many site specific allocations are recorded as 'principle consistent' indicating that the strategy of allocating such sites would accord with the overall thrust of the NPPF, but some of these may now be constructed or up to date housing or employment strategies may have superseded these allocations;
- **Partly consistent** – where the policy is more, or less, restrictive than the NPPF or in part accords with it, but for example sets out different tests. It is important to note that where a policy is considered to be 'partly consistent' with the NPPF, this does not necessarily mean that the policy is at risk. Given that paragraph 215 of the NPPF gives due weight to a policy according to its degree of consistency with the NPPF, the closer the policy is to the policies in the Framework, the greater the weight may be given. It will be important that where there is limited compatibility, the Council is able to explain or justify the decision they have reached using up to date information or explaining the rationale behind the decision. **This is more likely to result in support at appeal.**
- **Not consistent** – where the degree to which the policy is consistent with the NPPF is low, the policy is at risk and the NPPF 'trumps' the policy. In these cases a further judgement needs to be made as to the likely implications of the policy being 'not consistent'. For example, do local circumstances justify the policy's stance, how likely is it that development will come forward, will the presumption in favour of sustainable development be applied and if so what would be the impact of this?"

The following policies are considered to be relevant to the application:

- S3 - Other Development Limits;
- S7 - The Countryside;
- H1 - Housing Development;
- H3 - New House Within Development Limits;
- H4 - Backland Development;
- H9 - Affordable Housing;
- H10 - Housing Mix;
- GEN1 - Access;
- GEN2 - Design;
- GEN7 - Nature Conservation;
- GEN8 - Vehicle Parking Standards
- ENV3 - Open Space and Trees;
- ENV7 - The Protection of the Natural Environment - Designated Sites;
- ENV8 - Other Landscape Elements of Importance for Nature Conservation;

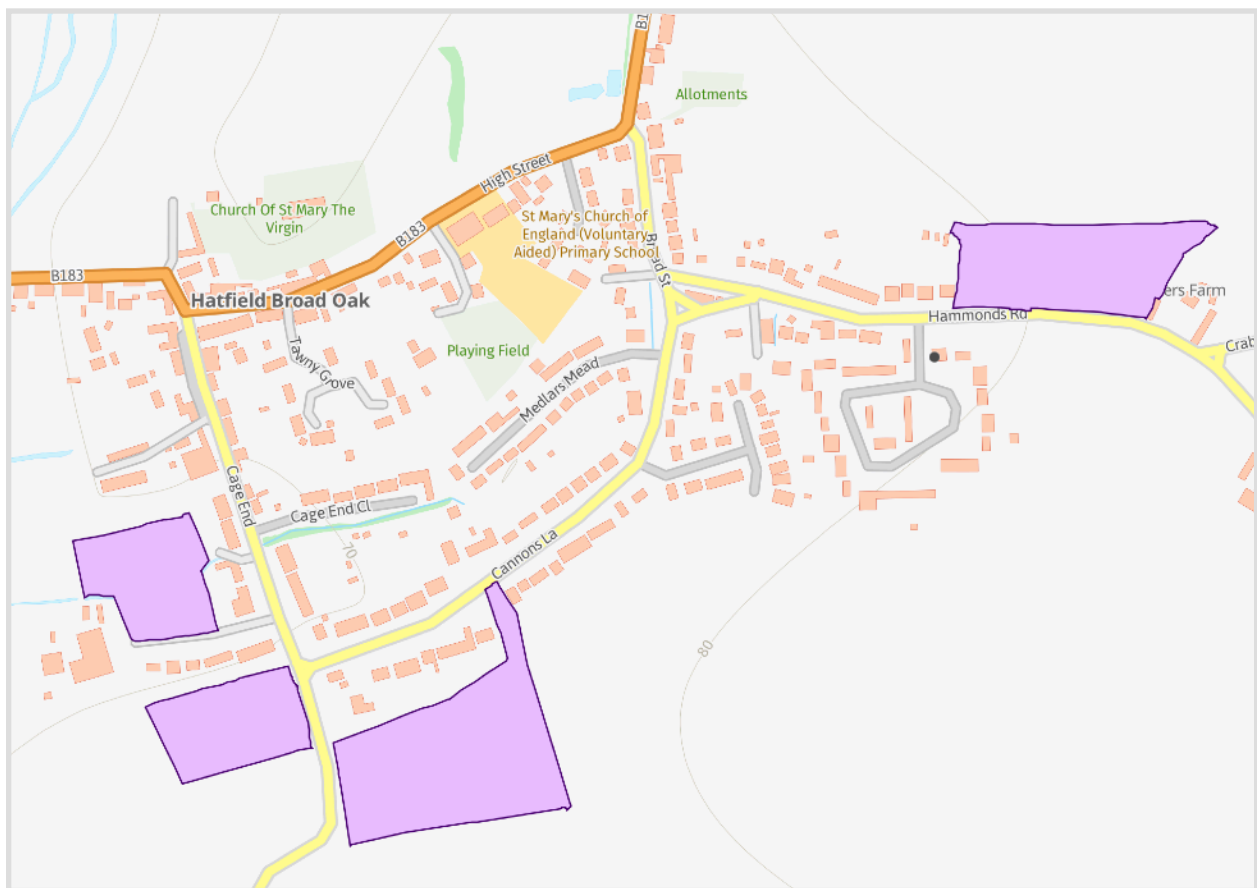
The policies have been assessed as following:

- S3 - **No Implications**;
- S7 - **Partly Consistent** - local policy more prohibitive on new build than NPPF;
- H1 - **Not Consistent** - Up to date position required inclusive of 5% or 20% buffer;
- H3 - **Generally Consistent** - NPPF refers to effective rather than efficient use of land with regards to previously developed land (so not relevant here);
- H4 - **Generally Consistent**;
- H9 - **Consistent**;
- H10 - **Consistent**;
- GEN1 - **Generally Consistent** - though NPPF stricter on need for sustainable transport modes;
- GEN2 - **Generally Consistent** - though NPPF allows refusal for 'development of poor design that fails to take opportunities available for improving the character and quality of an area';
- GEN7 - **Generally Consistent** - NPPF stronger on Nature Conservation;
- GEN8 - **Consistent**;
- ENV3 - **Consistent**;
- ENV7 - **Partly Consistent** - NPPF to be used for decision making;
- ENV8 - **Partly Consistent** - NPPF to be used for decision making.

Generally then the saved policies from the 2005 Local Plan are considered to be consistent and where partially or generally consistent the NPPF is mostly stronger (especially with regards to the Environment). Two key concerns are policy H1 (more on that later) and policy GEN1 - the need for sustainable transport.

Call for Sites

The Council is presently conducting a call for sites exercise. 299 sites have been submitted. The council is still formulating it's selection criteria. Enclosed below is a map



showing the present sites submitted for the call for sites application. Whilst it is not known at this stage what the councils criteria are for selection given the applicants sites distance from the centre of the village, compromised access, 'backland' character and projection into the countryside it would be considered sequentially the poorest of the 4

sites here.

Settlement Boundary and Housing Policies

The Settlement Boundary for Hatfield Broad Oak is drawn tightly around the majority of the urban area of Hatfield Broad Oak in line with the 2005 Housing policies.



Map of Hatfield Broad Oak showing the Settlement Boundary (black) and Conservation Area (red line).

Policy H1 - Housing Development

Policy H1 of the Local Plan makes it clear that the council wants to see all development, barring infill and windfall, directed to brownfield land and urban extensions with no development allowed outside the settlement boundaries of the villages across the District.

The application thus is not compliant with policy H1.

Policy H3 allows the following within Hatfield Broad Oak:

“Infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:

- ***a) The site comprises previously developed land;***
- ***b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;***
- ***c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;***
- *d) Development would support local services and facilities; and*
- *e) The site is not a key employment site;*
- *f) Avoid development which makes inefficient use of land.”*

Clearly the site is not previously developed land, access to jobs (and wider services) will be via car and existing infrastructure (Cannons Lane)¹⁴ does not have the capacity to absorb this development. The application thus is not compliant with policy H3.

¹⁴ See comments on the Transport Statement later in this document.

Policy H4¹⁵ allows backland development but only in restricted circumstances:

“Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:

- a) There is significant under-use of land and development would make more effective use of it;***
- b) There would be no material overlooking or overshadowing of nearby properties;*
- c) Development would not have an overbearing effect on neighbouring properties;*
- d) Access would not cause disturbance to nearby properties.”***

The land in use is clearly effectively used as agricultural land and the access between two residential properties generating a minimum¹⁶ of 140 vehicle movements per day and concomitant deliveries, walkers etc has the potential to generate a lot of disturbance to the neighbouring residents on Cannons Lane.

The application thus is not compliant with policy H4.

Uttlesford: Building for a Healthy Life

The Building for a healthy life initiative aims was original called ‘Building for Life 12’ a design tool for ‘creating places that are better for people and nature’.

The applicant has not referred to this guide and there is no evidence the applicant has deferred to the advice given in the guide. There are 12 elements to Building for a Healthy Life. Relevant policies have been reproduced below:

- Create places that are well integrated into the site and their wider natural and built sur-

¹⁵ It is noteworthy the applicant did not refer to this policy in their Planning Statement.

¹⁶ See comments on the Transport Statement later in this document.

roundings. Avoid creating isolated and disconnected places that are not easy places to move through and around;

- Short trips of up to three miles can be easily made on foot or bicycle if the right infrastructure is in place, helping to improve public health and are quality whilst also reducing local congestion and carbon emissions;
- Places that offer social, leisure and recreational opportunities a short walk or cycle from their homes;
- A range of homes that meet local community needs;
- Understand and respond;
- Create places that are memorable;
- Create a network of streets and spaces that are well enclosed by buildings and/or structural landscaping, taking care to ensure that front doors and the principal facades of buildings face streets and public spaces;
- Use legible features to help people find their way around the place;
- Streets are different to roads. Streets are places where the need to accommodate the movement of motor vehicles is balanced alongside the need for people to move along and cross streets with ease. Activity in the street is an essential part of a successful public realm.
- Well-designed developments will make it more attractive for people to choose to walk or cycle for short trips helping to improve levels of physical activity, air quality, local congestion and the quality of the street scene. Well-designed streets will also provide sufficient and well-integrated car parking.

Essex Design Guide

The Essex Design Guide (the guide) was first introduced in 1973 and the latest iteration

adopted in 2018. The guide is very comprehensive. There are specific areas of the guide I will return to in looking at the submission made by the applicant in the 'Commentary' section of this Statement.

Commentary

Pre app note / pre application engagement

The applicant makes much of a pre-application meeting on 29th June 2021 and a 'meeting note' they have made of the discussions via Microsoft Teams. These discussions were had with one planning officer. The Council has not issued pre-application advice (which would carry a small degree of weight in decision making). The Council has not confirmed whether the 'meeting note' is valid. Accordingly one cannot give any weight at all to the pre-application discussion or indeed the unverified record made by the applicant of the meeting.

Regarding contact with the Parish I have included an Appendix with comments from the Hatfield Broad Oak Call for Site Working Group which refutes a number of the assertions made by the applicant.

With only 16 of 554 surveys returned by local people there clearly was a lack of appropriate consultation or enthusiasm for the proposals.

Planning Statement

Policy H4

The applicant has failed to address a number of local saved policies. Critically policy H4 (backland development) has been ignored by the applicant. Policy H4 sets out limited circumstances where backland development can be approved:

"Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:

- a) There is significant under-use of land and development would make more effective use of it;***

b) There would be no material overlooking or overshadowing of nearby properties;

c) Development would not have an overbearing effect on neighbouring properties;

d) Access would not cause disturbance to nearby properties.”

It could be argued that the site does have a road frontage however access is not being made via Cage End but via Cannons Lane. Accordingly the site is a backland development.



As a backland development policy H4 applies.

Policy H4 renders the application unapprovable due to elements a) and d). There is



clearly not an under-use of land. It is Grade 1 agricultural land. Access via Cannons Lane would also cause a disturbance - to the immediate neighbouring houses (see screenshot) with 140 vehicle movements per day and to all the residents of the narrow Cannons Lane which has not been designed to carry the levels of traffic envisaged¹⁷. See below



¹⁷ See also comments on the Transport Statement later in this document.

Policy S3

The applicant claims that policy S3 supports the application. It doesn't. Policy S3 (see overleaf) is not relevant to this application as Hatfield Broad Oak is not named in the policy

Policy S3 – Other Development limits

Elsenham, Great Chesterford, Newport, Takeley and Thaxted are identified as Key Rural Settlements. Their boundaries, including village extensions at Takeley and Thaxted, and the boundaries of other settlements are defined on the Proposals Map. Development compatible with the settlement's character and countryside setting will be permitted within these boundaries.

Policy S7

Policy S7 is relevant to the site as it is countryside outside of the Green Belt. This policy prohibits development on the site as the countryside 'will be protected for its own sake'. There will be 'strict control on new buildings' and development will be prohibited unless 'its appearance protects or enhances the particular character of the part of the coun-

Policy S7 – The Countryside

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

tryside within which it is set'. This is clearly not the case on this site.

Policy GEN1 - Access

The applicant does not make an argument regarding whether they consider policy GEN1 to have been met.

It is doubtful that the main road network (Cannons Lane) will be capable of accommodating the additional traffic safely¹⁸. The development offers no encouragement for other means of transport.

Policy GEN1 – Access

Development will only be permitted if it meets all of the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.**
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.**
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.**
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.**
- e) The development encourages movement by means other than driving a car.**

— .

Policy GEN2 - Design

With regards to policy GEN2 (overleaf) the development is one that frankly could have

¹⁸ See comments on the Transport Statement later in this document.

been 'designed' for any site. There is nothing within the design to indicate it has taken any inspiration from the character of Hatfield Broad Oak, Cannons Lane or the countryside that will be built over. It is for example not 'compatible with the scale, form, layout, appearance and materials of surrounding buildings'; it does not 'safeguard environmental features in its setting'; it does not have 'appropriate mitigation measures' to minimise impact on neighbouring properties.

Policy GEN2 – Design

Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;**
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;**
- c) It provides an environment, which meets the reasonable needs of all potential users.**
- d) It helps to reduce the potential for crime;**
- e) It helps to minimise water and energy consumption;**
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.**
- g) It helps to reduce waste production and encourages recycling and reuse.**
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.**
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.**

Policy ENV5 - Protection of Agricultural Land

This policy (overleaf) is ignored by the applicant. The applicant has not assessed accommodating the development elsewhere or within settlement boundaries. It is, after all,

Policy ENV5 - Protection of Agricultural Land

Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

a speculative development designed to maximise profit from the development of this countryside site.

Policy H1

As discussed earlier Policy H1 does not support development in Hatfield Broad Oak.

Policy H3

Policy H3 does allow development in Hatfield Broad Oak but specifically within the development limits i.e. not on this site.

Policy H3 –New Houses within Development limits

Infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:

- a) The site comprises previously developed land;**
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;**
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;**
- d) Development would support local services and facilities; and**
- e) The site is not a key employment site.**
- f) Avoid development which makes inefficient use of land.**

Emerging Local Policy

The council's 2019 Local Plan has not been adopted and a new plan is being developed to replace the draft.

NPPF

The applicant highlights paragraphs 79 and 80 regarding development in rural areas but omits to mention paragraph 78:

Rural housing

78. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

There is no identified local need for housing and the applicant has not evidenced such. With regards to paragraph 79 the applicant has again failed to explain what local services, if any, need support and how the application would support these.

79. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The Tilted Balance

As discussed earlier in this document Uttlesford acknowledge a 5YHLS figure of 3.11

and therefore the 'Presumption in favour of sustainable development' is engaged.

That is not to say however that local development policy is rendered silent with regards to this application. Indeed policies that protect the countryside, whether local or national, are still important. Further the applicant must demonstrate that the proposal is sustainable. The applicant has failed to do this.

There are very few jobs in Hatfield Broad Oak so one can assume that almost all of the adult population of the village will be working in urban areas some distance away from Hatfield Broad Oak and only reasonably accessed by car.

With regard to local services it is widely known that the GP surgery is over-subscribed at present so the addition of 30 houses healthcare needs will be accommodated in Saffron Walden or another of the conurbations leading to more unsustainable travel movements.

The local primary school has places though it is uncertain how many there are and the applicant has not examined this. So the school may well, with additional children, be oversubscribed (leading to more unsustainable trips) or not. There is no secondary school in Hatfield Broad Oak so all children will need to travel some distance to access secondary education.

The site is thus not sustainable and the 'presumption' is not applicable here.

Design and Access Statement

The Design and Access Statement makes much of the supposed work developing a layout and design in keeping with Hatfield Broad Oak, the constraints of the site and the landscape.

Unfortunately this claim is patina thin.

Looking at the design of the houses these are 'off the shelf' housing types found up and down the country with literally no new design input for the application at all. The 'designer' has merely taken their standard designs and then found examples in Hatfield

Broad Oak that at first glance look similar but are quite different in detail. In fact the examples are just as similar to other applications across the country (see below).

Design and Access Statement proposed facades:



Recent planning applications in Manchester, Preston and Hull.



As can be seen there is nothing unique or requiring design input in the proposals the applicant has put forward. These are the same designs used up and down the country by 'bulk' developers.

With regards to the layout of the scheme and site constraints again at first glance the scheme looks to have taken some account of context, landscape and character however the application is anything but.

The access length, density and layout is contrived to make the best of the parcel of land the applicant has available with the compromised access given. The long access is not characteristic, large plots uncharacteristic and semi-detached properties uncharacteristic. The landscape

features are merely the insertion of trees (where there are already hedgerows and trees) creating a development with an abrupt hard edge to the countryside unlike what there is today.

The views across the field have not been acknowledged at all nor the one view to the listed church.

In short the piece of land could be anywhere in the country and the applicant would have come up with this scheme. Other than the acknowledgement of the footpath there is no evidence any local characteristics have been taken into account.

Overall whilst a polished document the Design and Access Statement attempts to apply a design narrative after the event to a scheme designed for literally anywhere.



Transport Statement

The Transport Statement provided by the applicant appears a rushed document with a number of issues.

Essex County Council expressed concerns regarding the use of Cannons Lane for access to the site without improvements (para 3.17). These concerns were however ignored by the applicant. A grass verge is not a footpath/footway and the present road is not compliant with the Manual for Streets, it being an average of 4m wide narrowing to 3.65m wide towards Cage End and 3.55m at Broad Street Green.

The applicant considers the present arrangements to be safe but provides no evidence to support this nor model the effect of a large increase in traffic on Cannons Lane.

The applicant (para 3.21) does point out that there have been no Personal Injury Accidents in the area in the last five years but erroneously then says *“Therefore, it can be concluded that the PIA data does not indicate any specific highways safety concerns that would worsen as a result of the proposed development or pose a threat to future site users”*. This is a non-sequitur - past accident records cannot be used to argue that there will be no deterioration in highway safety with markedly increased traffic.

In short the applicant has refused to undertake the improvements the highways authority wished to see on Cannons Lane and made a spurious argument to support this view whilst obscuring the fact they have failed to do any work to understand the potentially increased risk from additional traffic over a sub-standard highway.

Further the applicant claims that the 30 units will generate only 11 departing vehicle movements in the morning rush hour. The applicant has not explained the methodology used to calculate this figure nor the section of TRICS data used. It is normal in a Transport Statement to have this methodology set out clearly over many pages to enable this to be critically examined. One can of course take any data set to prove ones assertions. What we need to establish is if the right data set has been selected to separate assertion from science and this is unknown at present.

What I can say is that 11 departure movements from 30 units at morning rush hour is suspiciously low but I am unable to comment further as the Transport Statement has not

been formulated correctly. The council should take these figures with a large pinch of salt and should have this Transport Statement independently examined.

Landscape and Visual Impact Statement

The Landscape and Visual Impact Statement's conclusions are at odds with the LVIA effects identified. Additionally the potential 'mitigation' worsens the problem. The final two paragraphs of the conclusion¹⁹ are generic and oddly written. The 'capacity' of a visual environment to accommodate change is not the test. The test is whether significant harm has occurred. Paragraph 6.12 concludes that the development "will not result in significant effects to the landscape character or visual environment" yet this is not the conclusion of the work undertaken by a consultant paid for by the applicant. If we look at tables 4 and 5 in the appendices these set out the effects of the development and significance of these effects. These range from negligible to moderate for both Landscape and Visual Effects. These effects are thus significant despite what is concluded.

Table 4 – Landscape Effects

Character Area	Sensitivity	Type of Effect	Magnitude	Significance
Site & Immediate Landscape Setting	Medium / Low	Direct, Adverse	Medium	Moderate – Moderate/Minor
Localised Landscape Setting: Roding Farmland LCA	Medium / High	Direct, Adverse	Negligible	Minor
Localised Landscape Setting: Hatfield Forest LCA	Medium / High	Direct, Adverse	Negligible / None	Negligible
National Character Area 86: South Suffolk and North Essex Claylands National Character Area 86	N/A	N/A	N/A	Negligible/None

Table 5 – Visual Effects

Viewpoint	Location	Distance and Direction from Application Site	Receptors	Sensitivity	Magnitude	Significance
1	Cannons Lane	Site boundary	Motorists	Medium	Medium	Moderate (applying professional judgement)
2	PRoW Footpath 23_29	Within the site	Walkers	High	Medium	Moderate (applying professional judgement)
3	PRoW Footpath 23_29	Within the site	Walkers	High	Medium	Moderate (applying professional judgement)
4	Unnamed Road	Site boundary	Motorists	Medium	Negligible	Minor
5	Unnamed Road	Site boundary	Motorists	Medium	Negligible	Minor
6	PRoW Footpath 23_29	205m south	Walkers	High	Negligible	Moderate/Minor
7	PRoW Footpath 23_29	555m south	Walkers	High	Negligible	Moderate/Minor
8	Unnamed Road	435m south west	Motorists	Medium	Negligible	Minor
9	Hammonds Road	740m east	Motorists	Medium	Negligible	Minor
10	PRoW Footpath 23_20	1.12km north east	Walkers	High	Negligible/No Change	Negligible (applying professional judgement)

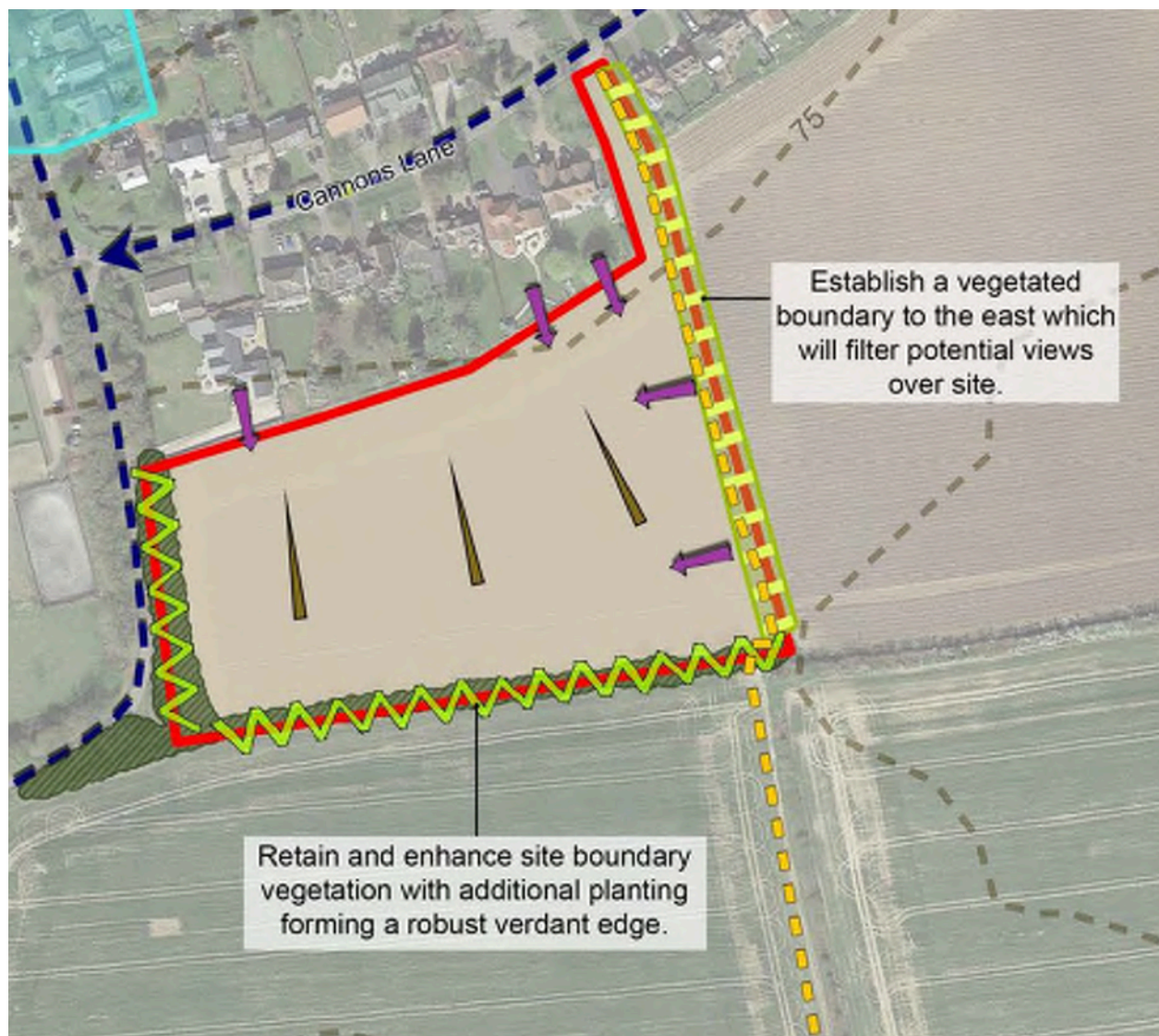
The applicant proposes mitigation but one must question if this will improve matters or render things worse? A hard green edge as proposed is completely out of character with

¹⁹ Paras 6.11 and 6.12

the area and the effect of this itself on the landscape has not been assessed.

To be frank the applicant has thrown a green edge around their development and asked the landscape consultants to attempt to justify this after the event. The conclusion of the report contradicts the evidence provided and the mitigation proposed will clearly be incongruous in the landscape and not mitigate for the harm identified.

The council should have this LVIA independently examined.



Conclusion

The Council must frame the decision to approve or refuse this application through the prism of these three tests:

- 1) The presumption in favour of **sustainable** development;
- 2) The NPPF;
- 3) Saved local plan policies that concord with the NPPF and other relevant local policy.

This Objection Statement has shown that the development proposed is:

- Not needed; Paragraph 78 of the NPPF requires that local need be established for any new development.
- Is unsustainable; The NPPF requires developments to be sustainable where this is not the case planning permission should be refused. With jobs many miles away the application is contrary to saved policy H3 of the Local Plan.
- Is a backland development; Saved Policy H4 of the Local Plan requires backland development to avoid disturbance to local people (this development will cause disturbance at the access point throughout the day, and be on under-used land. As Grade 1 agricultural land the site is not under-used. For this reason also the application fails saved policy ENV5 of the Local Plan.
- In a hierarchically inappropriate location. The site is not brownfield and as it is outside the settlement boundary it is contrary to saved policies H1 and H3 of the Local Plan and contrary to NPPF policy as it is not plan-led development.
- Has poor access (at best) failing saved policy GEN1 of the Local Plan.
- Poor design; which is specifically against NPPF policy, and fails saved policy GEN3 of the Local Plan.
- Has a moderate visual impact (at best);
- Has a minor landscape impact (at best);

If we look again at the three tests the application fails to pass either of them.

The site is unsustainable.

The application is contra to the NPPF

The application fails policies H1, H3 and H4, GEN1, GEN3 and ENV5.

For these reasons the application should be refused.

Appendix 1 - Hatfield Broad Oak Call for Sites Working Group. Comments on the application Statement of Community Involvement.

HBO Call for Sites Working Group **Review of the Statement of Community Involvement** **Issued by Curtin and Co**

P4. Para 1.2 and 1.3

The newsletter advertising the existence of the Durkan website was issued in mid-October 2021. The planning application was submitted on 5th November 2021. The period between these events cannot be considered as giving the community an opportunity to 'give their thoughts on the plans'.

P4. Para 1.4

The Parish Council initially declined to engage with Durkan until the actual position of the site was revealed. Any engagement prior to this time was considered by the Parish Council to be meaningless.

P6. Para 2.1.3

The NPPF references 'Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'. The timescale between the submission of the newsletter and the submission of the planning application does not indicate 'good quality'. On the contrary, the timescale appears to indicate that the planning application was ready for submission prior to any community involvement.

P6. Para 2.1.4

In the light of the short amount of time between the community being aware of the application and its submission to UDC, Durkan have not displayed 'effective and genuine community involvement'.

P7. Para 3.3

It is unreasonable to state that a low level of contact and only a 34% response to the site hits 'suggests a low level of opposition'. This statement has been shown to be incorrect by the number of opposition letters that have been sent in by residents in response to this planning application.

P7. Para 3.4

The fact that only 16 people completed the questionnaire has been suggested as a positive and that there is not significant opposition to the scheme. This is completely incorrect. The questionnaire was full of leading questions designed to elicit a false impression. In order to submit the questionnaire, one had to indicate what type of housing would be preferred. The choice of submitting the answer 'none' was not available. This led to many people not bothering to complete the questionnaire.

This fact alone clearly demonstrates that the consultation was not 'genuine' or 'of good quality'.

P8. Question 3

This question has been answered by the statement 'Durkan propose to use their excellent environmental and sustainability credentials when developing this site' – there is no evidence given as to what those credentials are, rendering the answer meaningless.

P8. Para 3.5

The questions enquiring about the cost of the houses was answered: 'these have been noted and passed to the Sales and Marketing Team'.

This question was repeated by email dated 01/12/21. This time the answer was – 'we do not release individual sale price information at this stage as this will be determined by the market conditions at the time we release homes to the market.'

P11. Para 4.1

The period of engagement and the dubious nature of the questionnaire do not 'clearly demonstrate their commitment to community engagement'.