

## MUCH HADHAM PARISH COUNCIL

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Notice is hereby given that the meeting of the Much Hadham Parish Council **Planning Committee** will be held on Tuesday, **7 November 2017**, in the **Much Hadham Village Hall, Green Room, 7:30 pm**, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

*F.M.Forth*  
Fiona Forth  
Clerk of the Council

2 November 2017

### AGENDA

17/103. Apologies for absence

17/104. Declarations of Interest

17/105. Chairman's announcements

17/106. Minutes of the last meeting held on 3 October 2017

17/107. Reports on outstanding matters

17/108. Decisions issued by East Herts Council:

(i) Permissions granted:

3/17/1593/HH – Conversion of conservatory into a habitable room with first floor extension above and single storey rear extension at 7 Park Terrace High Street Much Hadham

3/17/1695/HH and 3/17/1696/LBC – Erection of infill linkway, minor alterations to outbuildings and roofs, replacement weatherboarding and replacement windows with new gate at Minges Farm South End Perry Green Much Hadham

(ii) Permission refused:

None

17/109. Planning enforcement

17/110. Residents' comments on current planning applications

17/111. Current Planning Applications for Committee to consider:

3/17/2112/OUT – Erection of 35 dwellings (outline application – all matters reserved) at Dolans Field land off Bromley Lane Much Hadham

3/17/2212/LBC – Remove existing oak frame porch, replace with similar porch with brick base side walls 0.8 metres in height (bricks to match side of building) with oak frame to gable with slate roof as on existing porch; glazed windows in oak frame on sides at Wickham Cottage Church Lane Much Hadham.

3/17/2236/HH – Demolition of greenhouse, erection of pool house and provision of adjacent swimming pool at Red House High Street Much Hadham (Reconsultation)

3/17/2335/HH – Single storey rear extension at Birchwood Malting Lane Much Hadham

3/17/2379/HH – Demolition of existing side extension and erection of part single, part two storey rear extension at 6 Windmill Way Much Hadham

3/17/2407/FUL – Erection of detached four bedroom dwelling on land adj 6 Windmill Way at 6 Windmill Way Much Hadham

3/17/1725/FUL – Erection of log cabin (for use as office and rest area/shelter for staff), toilet block, storage container, 50 sheds, access road and parking area for up to 35 vehicles and widening of site access and egress to facilitate use of land for allotments at Jobbers Wood Great Hadham Road Much Hadham

*Note: this application was considered at the 5<sup>th</sup> September meeting. Application was supported in principle but the Parish Council requested an ecological survey and consultation with Herts and Middlesex Wildlife Trust before any decision was made by EHC. This has now been completed and the Planning Officer has requested that the Parish Council consider whether its concerns have been addressed.*

3/17/2511/FUL – Demolition of existing detached garage and erection of new detached four bedroom dwelling with basement and new vehicle access/crossover at The Old Nurseries Widford Road Much Hadham

17/112. Date of next meeting – **Monday 4<sup>th</sup>** December 2017 at Much Hadham Village Hall, Green Room

## MUCH HADHAM PARISH COUNCIL

MINUTES of the Much Hadham Parish Council Planning Committee meeting held on Tuesday, 7<sup>th</sup> November 2017, at 7:30 pm, in the Much Hadham Village Hall, Green Room.

<u>Members:</u>	*Cllr W Compton	Cllr W O'Neill
	*Cllr I Hunt	*Cllr C Thompson (Committee Chairman)
	*Cllr B Morris	*Cllr K Twort

\*Denotes present.

In attendance: F Forth, Parish Clerk and 24 members of the public.

### 17/103. APOLOGIES FOR ABSENCE

Apologies for absence were received and approved from Cllr W O'Neill.

### 17/104. DECLARATIONS OF INTEREST

Cllr W Compton declared an interest in respect of the following application:

3/17/2236/HH – Demolition of greenhouse, erection of pool house and provision of adjacent swimming pool at Red House High Street Much Hadham (reconsultation)

### 17/105. CHAIRMAN'S ANNOUNCEMENTS

None.

### 17/106. MINUTES OF THE LAST MEETING

Cllr B Morris requested the following amendments on page 2:

- first paragraph:
  - replace “Cllr B Morris considers that it is incorrect to” with “Cllr B Morris considers there is no legal evidence to”;
  - replace “and also incorrect to” with “and also no legal evidence to”; and
- second paragraph: replace “that units did not meet” with “the three static units, which have been advertised, do not meet”

Subject to the amendments above, RESOLVED that the minutes of the last meeting held on 3 October 2017 be accepted as a correct record of the proceedings and be signed by the Chairman.

## 17/107. REPORTS ON OUTSTANDING MATTERS

Report on outstanding matters received. The following points were noted:

Gardens extending into nature reserve – no further news as yet. Retrospective planning applications expected for change of use. Cllr I Devonshire (EHC) agreed to follow up.

Golf & Country Club – this is still with the Enforcement Team. The Chairman stated that having foundations, skirt walls, connections to water and sewerage and all indicators of building works. Cllr I Devonshire (EHC) agreed to follow up.

Jolly Waggoners – the owner is still proving difficult to contact to discuss issues. Emails have been sent but no response has been obtained. The Chairman is pursuing.

## 17/108. DECISIONS ISSUED BY EAST HERTS COUNCIL

### (i) Permissions granted:

3/17/1593/HH – Conversion of conservatory into a habitable room with first floor extension above and single storey rear extension at 7 Park Terrace High Street Much Hadham

3/17/1695/HH and 3/17/1696/LBC – Erection of infill linkway, minor alterations to outbuildings and roofs, replacement weatherboarding and replacement windows with new gate at Minges Farm South End Perry Green Much Hadham

### (ii) Permissions refused:

None.

## 17/109. PLANNING ENFORCEMENT

No additional information to report.

## 17/110. RESIDENTS' COMMENTS ON CURRENT PLANNING APPLICATIONS

### Dolan's Field

A number of points raised to support the objection to the planning application. The Chairman highlighted that the proposal fails almost every planning test and a detailed letter has been prepared detailing the Parish Council's objection. Cllr I Devonshire (EHC) added that there have been 100 objections so far to this application.

## 17/111. CURRENT PLANNING APPLICATIONS CONSIDERED

(i) Support given to the following applications:

3/17/2212/LBC – Remove existing oak frame porch, replace with similar porch with brick base side walls 0.8 metres in height (bricks to match side of building) with oak frame to gable with slate roof as on existing porch; glazed windows in oak frame on sides at Wickham Cottage Church Lane Much Hadham.

<b>Vote:</b>	For	3
	Against	2
	Abstain	0

3/17/2236/HH – Demolition of greenhouse, erection of pool house and provision of adjacent swimming pool at Red House High Street Much Hadham (Reconsultation)

**Vote:** all Cllrs present voted to support this application. Cllr who declared an interest in this application did not vote.

3/17/2335/HH – Single storey rear extension at Birchwood Malting Lane Much Hadham

**Vote:** all Cllrs present voted to support this application.

3/17/1725/FUL – Erection of log cabin (for use as office and rest area/shelter for staff), toilet block, storage container, 50 sheds, access road and parking area for up to 35 vehicles and widening of site access and egress to facilitate use of land for allotments at Jobbers Wood Great Hadham Road Much Hadham

Support given subject to:

- East Herts Council confirming that the range of ecological investigations are correct in extent and time of year.

**Vote:** all Cllrs present voted to support this application.

3/17/2511/FUL – Demolition of existing detached garage and erection of new detached four bedroom dwelling with basement and new vehicle access/crossover at The Old Nurseries Widford Road Much Hadham

Support given subject to:

- Highway safety considered

<b>Vote:</b>	For	4
	Against	1
	Abstain	0

(ii) Objections raised on the following application:

3/17/2112/OUT – Erection of 35 dwellings (outline application – all matters reserved) at Dolans Field land off Bromley Lane Much Hadham

Objection on the basis of:

- basis of objection detailed in Appendix A

**Vote:** all Cllrs present voted against this application.

(iii) Neutral view on the following applications:

3/17/2379/HH – Demolition of existing side extension and erection of part single, part two storey rear extension at 6 Windmill Way Much Hadham

It was agreed that technical expertise was required and therefore to leave this application for the Planning Officer to determine.

Vote: all Cllrs present voted for this approach.

3/17/2407/FUL – Erection of detached four bedroom dwelling on land adj 6 Windmill Way at 6 Windmill Way Much Hadham

<b>Vote:</b>	For	4
	Against	1
	Abstain	0

17/112. DATE OF NEXT MEETING

Monday, 4<sup>th</sup> December 2017, in the Much Hadham Village Hall, Green Room, following the close of the Much Hadham Parish Council meeting.

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There being no further business the meeting closed at 8:32 pm

**OBJECTION TO PLANNING APPLICATION 3/17/2112/OUT**

Dolan's Field, Land off Bromley Lane, Much Hadham, Hertfordshire SG10

Erection of 35 dwellings (outline application - all matters reserved)

**SUMMARY**

Much Hadham Parish Council requests that EHC refuse planning permission for this opportunistic and premature application to build over valuable agricultural land in the rural area beyond the green belt, well beyond the village boundary, and replace it with unsustainable housing. Development in this location is in clear breach of the current development plan and the emerging plan and was strongly opposed by residents at the applicant's own public consultation meeting on 17<sup>th</sup> October. Across the district, since at least 2011, there has been no case of a similarly located large site being approved for development (Appendix 1).

The lack of a 5 year housing land supply and its consequences under the NPPF are well understood. This objection draws, inter alia, on a recent refusal by the Secretary of State in the Bishop Sutton appeal, where a materially similar set of circumstances and arguments applied (Appendix 2), and on the Supreme Court's recent confirmation that whilst the NPPF is material guidance, the development plan has primacy (Appendix 3). The specific objections are:

**1. Landscape Character impact** - the adverse effect of the development on the character and appearance of the surrounding landscape, having particular regard to the pattern of settlement development over centuries. Core principles of the NPPF (paragraph 17) are that planning should recognise the intrinsic character and beauty of the countryside, and that it should contribute to conserving and enhancing the natural environment. The proposal would be contrary to those principles, to the general aims of Local Plan (LP) Policy GBC14 to improve and conserve local landscape character and to LP Policy ENV1, which seeks development compatible with its environment.

**2. Against Development Plan** - the scheme is prejudicial to the implementation of the LP Strategy and of the emerging district plan. The proposed scheme would go against the underlying strategic objective of the LP to direct growth in village and rural areas to locations which can be seen to be sustainable in terms of a reasonable match between jobs and dwellings so as to minimise commuting for work purposes, especially by car. It also ignores the Guiding Principles of the emerging plan in relation to protection of the countryside.

**3. Unsustainable** - the proposal for housing in this location is clearly unsustainable having regard to the NPPF. The NPPF presumption when there is not a 5-year supply of housing land, as here, is of a "tilted balance": that all development is sustainable and therefore to be approved unless it can be shown that the planning harm significantly outweighs the planning gain when assessed against the policies in the NPPF taken as a whole. In summary, when assessing the proposal against the sustainable development policies within the NPPF, five policies are adversely affected and only one policy benefits. The planning gain is easily outweighed by the planning harm.

The parish council does not, therefore, consider that the circumstances of the proposed outline scheme represent material considerations of sufficient weight to justify a decision otherwise than in accordance with the development plan and the emerging district plan. The application should be refused and the parish council firmly believes that any appeal would be rejected too, for sound planning policy reasons.

## DETAILED OBJECTIONS

The full details of the planning case against the application are set out in the following paragraphs:

<b>Policy and Statutory Considerations</b>	<b>1 - 11</b>
<b>Main Issues:</b>	
<b>Landscape Character etc</b>	<b>12 - 18</b>
<b>Against Development Plan</b>	<b>19 - 23</b>
<b>Unsustainable in NPPF terms</b>	<b>24 - 35</b>
<b>Planning Conditions and Obligations</b>	<b>36</b>
<b>Planning Balance and Conclusion</b>	<b>37 - 40</b>
<b>Appendices</b>	
<b>1. EHC Precedents</b>	
<b>2. Bishop Sutton case</b>	
<b>3. Supreme Court decision</b>	

### Policy and Statutory Considerations

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning proposals be determined in accordance with the district's development plan unless material considerations indicate otherwise. In this case, the primary development plan document is the East Herts Local Plan 2007 (LP). This is supplemented with a Proposals Map, which indicates the areas to which policies apply and sites that are subject to specific policies.

2. The **key aims** of the LP are established in Chapter 1, section 1.14 as the main basis on which the LP policies have been formulated. The key aims include:

- maintain the settlement pattern of small towns and villages through the concentration of development in towns, and to other locations where necessary in the interest of equitable distribution, as well as through the maintenance of a Green Belt, and Rural Area Beyond the Green Belt;

3. The **overall purpose** of the LP in section 1.16 is "to achieve sustainable development in the District, consistent with local circumstances and requirements" (*all underlining added for emphasis*).

4. The **strategy** of the LP is set out in these extracts

1.16.2 The LP Strategy .....is basically one of restraint, with emphasis on generally concentrating development in the main settlements of Bishop's Stortford, Hertford, Ware and Sawbridgeworth..... together with Stanstead Abbots and St Margarets, and Buntingford, as two additional settlements where limited development may be appropriate to maintain the vitality of the area.

1.16.3.....development in smaller settlements will also be accommodated to support the facilities and services needed and meet the employment and housing needs for that settlement and its surrounding area only. Elsewhere, in the Green Belt and Rural Area Beyond the Green Belt, there is a strong restraint on development, other than required for agriculture, forestry, appropriate rural and countryside activities and local needs.

5. The **saved LP policies** of most relevance to this application are SD2 Settlement Hierarchy, OSV1 Category 1 Villages, GBC2 the Rural Area beyond the Green Belt, GBC3 Appropriate Development in the Rural Area Beyond the Green Belt, and GBC14 Landscape Character. The LP Proposals Map includes a detailed plan for Much Hadham defining the confines of the village for development



purposes. The LP includes the opportunity for further development in the villages identified in policy OSV1 (which includes Much Hadham) on sites within the confines of the village. However, the application site lies well beyond the village boundary as shown on the Proposals Map and therefore the proposal is contrary to the development plan.

6. Another material consideration is the National Planning Policy Framework March 2012 (the NPPF) and the planning practice guidance first published in March 2014. The Council has stated in its Authority Monitoring Report for 2015/16 that it does not have a 5 year supply of housing land. Consequently paragraph 14 of the NPPF is engaged. In terms of their underlying countryside protection aims, GBC2 and GBC3 still align with objectives in the NPPF. The applicant has falsely argued that these are housing supply policies and out of date but it is important to note that the Appeal Court stance in Richborough Estates v Cheshire East Council (2016) was overruled by the Supreme Court on 10 May 2017. (see Appendix 2). GBC 2 and GBC 3 are not out of date policies and remain as material considerations to which significant weight should be attached.

The Supreme Court judges stressed that the NPPF is no more than guidance and cannot 'displace the primacy' of a statutory development plan of Local Planning Authorities in determining planning applications. Additionally, although it is not obvious from the NPPF itself, the Court also held that whether the adverse impacts of granting planning permission outweigh the benefits, needs to be assessed against not only the policies of the NPPF, but also the development plan policies.

7. The emerging District Plan also includes a similar policy to GBC2 and GBC3 in GBR2 wherein development in the rural area beyond the green belt is held to be inappropriate. This is consistent with the Guiding Principles of the emerging plan which include inter alia:

6. To focus development in locations where the impacts on the historic and natural environment are minimised as far as possible;
8. To protect and enhance the rural area.....to maintain the countryside and rural character of the District;
9. To encourage appropriate development in and around the identified villages, with an opportunity for neighbourhood planning to influence the type and location of development sites.

The emerging plan contains a Policies Map designating the land outside the Much Hadham village development boundary as rural area beyond the green belt. The application site lies well beyond the village boundary as shown on the Policies Map and therefore the proposal is contrary to the emerging plan's guiding principles and specific policy GBR2

8. There is also the question of how much weight can be given to the pre-submission version of the draft district plan. NPPF Paragraph 216: "From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)."

## 9. Taking these points in turn:

- The emerging district plan is at an advanced stage. Its preparation is complete as is consultation on it and it is undergoing Examination at the time of writing.
- The most relevant policy for an outline application seeking only to agree the principle of housing development at a site is GBR2 Rural Area Beyond the Green Belt, wherein development is considered inappropriate (other than for certain exceptions not applicable to this application). At the public consultation stage of the pre-submission plan there were very few objections to this policy (primarily from this applicant and its advisors!). As the level and substance of independent objections is low, some significant weight can be given to GBR2 now that the Plan is at the Examination stage.
- Another relevant policy here is TRA1 I (a) “(development proposals should) Primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction;” At the public consultation stage of the pre-submission plan there were no significant objections to this policy so significant weight can be given to TRA1 I (a) now that the Plan is at the Examination stage.
- The final relevant policy is DES1 III “Where an area is identified in the Council’s latest Landscape Character Assessment SPD this will be used to inform consideration of development proposals.” At the public consultation stage of the pre-submission plan there were no significant objections to this policy so significant weight can be given to DES1 III now that the Plan is at the Examination stage.
- Turning to the matter of consistency with the NPPF, EHC has stated that the plan “sits fully in line with the policy objectives of the NPPF and therefore it is ‘close’ to the policies of the NPPF. The District Plan is in a position where it is possible to begin to assign it reasonable weight.”

The emerging plan is not yet adopted but it is a material consideration. Applicable policies should be given reasonable weight under the NPPF.

10. It may also be noted, although of very limited weight at this stage, that in accordance with the strong statements of support for such initiatives in the emerging plan, there is a Neighbourhood Plan (NP) being prepared for Much Hadham parish. NPPF paragraph 10 also requires that decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

Policies for the pre-submission version of the NP are now being prepared. On the basis of the public consultation responses to date and consistent with strategic policies in the emerging district plan, these policies will not support development beyond the village boundary.

11. In Much Hadham we are already well on the way to achieving our sustainable development housing target under VILL1 of the emerging plan, with 18 houses of the 54 minimum target now under construction and a further 4 with recent planning permission. The NP project has so far identified land totalling 4.4ha across 4 sites in or touching the settlement boundary each of which has clear and evidenced public support for potential development and passed our rigorous site assessment criteria. We have opportunities for achieving sustainable development within the village without the need to pave over high quality agricultural land.

Under the NPPF paragraph 198 “Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.” It is expected that the neighbourhood plan will come into force at a similar time to the district plan.

## Main Issues

*The effect of the development on the character and appearance of the surrounding area, having particular regard to the pattern of development and its countryside location.*

12. Emerging policy DES1 III requires the Landscape Character Assessment SPD (Sept 2007) (LCA) to be used to inform consideration of development proposals. It provides a framework for assessing the application's impact on the character of the landscape and settlement patterns. Within Area 93, Much Hadham is described thus: "The main street of Much Hadham is long, of very high architectural quality and beautifully maintained, with a succession of large mansions and cottages. The village is surrounded by many well-kept former farmhouses and cottages." The pertinent point is that it is not surrounded by housing estates.....that is not the pattern of development in this area.

13. The main component of Much Hadham's rarity and distinctiveness, according to the LCA, is that it is "Highly valued for the consistency and quality of the domestic architecture.....". The LCA goes on to state "The chief impact of built development in this area is the housing within the historic settlements. The cultural pattern is intact and well managed. There has been some land-use change from pasture to arable, but this is not extensive."

The land cover and land use in this area is described as "..... wooded farmland, predominantly in arable production....." In other words, Dolan's Field, an arable field, is typical of the landscape character of the area in which it sits. Land use change from arable to housing estate has no precedent in the parish within living memory.

14. Core principles of the NPPF (paragraph 17) are that planning should recognise the intrinsic character and beauty of the countryside, and that it should contribute to conserving and enhancing the natural environment. The proposal would be contrary to those principles and to the general aims of LP Policy GBC14 to improve and conserve local landscape character and also to LP Policy ENV1, which seeks development compatible with its environment.

15. Moreover, the settlements of Much Hadham and Little Hadham are historically separate in their development and separated by open countryside. It is a long-established policy that ribbon development leading to coalescence of settlements is not to be supported. The developer owns all of the rural land from the northern boundary of the Much Hadham Conservation Area to the parish boundary with Little Hadham along the western side of the C road connecting the two parishes. Dolan's Field represents a large portion of that land and, if approval were granted, the precedent it sets for linear development of land up to the parish boundary would be impossible to argue against.

It would also create a precedent for the linear development of the handful of similar sites to the south of Much Hadham, thus creating a completely built environment from north to south of this "rural" parish and the loss of Much Hadham's rarity and distinctiveness.

16. Agricultural land classification - local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land (NPPF 112). The NPPF sets out the impact of development on the use and quality of agricultural land as an economic impact. The use of lower grade agricultural land (grade 3b, 4 and 5) is to be favoured in place of higher quality land (grade 1, 2 and 3a). The applicant has undertaken an assessment of the quality of the land at the site and has established that the majority of the site should be classified as intensively farmed arable grade 2. Thus harmful weight is assigned to the loss of high quality agricultural land from both an economic impact but also for the adverse impact on landscape character.

17. Additionally, the open space designated to the rear of the site looks to be meaningless – inaccessible, not connecting to any PRow and hidden from view by a landscape buffer. No mechanism is proposed that would covenant the land to remain as open space in perpetuity and there appears to be no equivalent landscape anywhere else in the rural area surrounding Much Hadham village.

18. The proposed development would almost double the number of houses in the parish's rural area north of the village settlement boundary from New Barns Lane (35 additional proposed v 40 currently) – it is disproportionate. An estate of 35 houses disregards the established housing patterns in the north of the parish, where the pattern of rural settlement is of individual, well separated detached plots and small terraces of up to 4 houses (other than for the new, gated enclave of 5 houses on the brownfield site at Luxford Close). The proposal is out of scale and character and imposes a housing density inappropriate to this rural setting.

*Potential prejudice to the implementation of the LP Strategy and of the emerging district plan*

19. The Authority Monitoring Report (AMR) for 2015/16 records that, since the commencement of the current plan period in 2011, locations outside the six main settlements, including Category 1 villages such as Much Hadham, have absorbed 39.8% of new housing development completions in the District. It is clear that the LP Strategy of concentrating development in the 6 main settlements and of strong restraint in the development of the rural area beyond the green belt is not being enforced to a significant extent because of the shortfall in development on allocated and unallocated sites in the main settlements. The emerging plan is designed to address this.

20. The corollary of allowing a greater proportion of housing development in the villages and the rural areas beyond the green belt solely to make up the shortfall across the District is to undermine the LP Strategy and emerging plan's Guiding Principles of directing the main initiatives for growth to the major settlements. Some degree of limitation or restraint outside the major settlements is appropriate for reasons of achieving a balanced, sustainable growth strategy. Permitting significant growth in excess of the current land supply situation in the villages and the rural areas beyond the green belt undermines the principles of sustainable development set out in both plans, significantly undermining the confidence of residents (and, indeed, developers) in the plan-making process. This is an argument made by the Secretary of State (ibid).

21. In East Herts there is evidence that the approval of development of large estates outside the main settlements such as this application represents is, for the most part, limited with only 5 examples of this size or greater found since 2011: This current application to develop previously unallocated land lying completely in the rural area beyond the green belt is believed to be without precedent in the District in the current plan period since 2011. Appendix 3 lists all the major developments approved outside of the main settlements and how the circumstances differ from this application. No justification is provided as to why this site should uniquely be approved in this context.

22. Furthermore, as referred to in paragraph 4. above, one of the LP strategies is that ".....development in smaller settlements will also be accommodated to support the facilities and services needed and meet the employment and housing needs for that settlement and its surrounding area only. Elsewhere, in the green belt and rural area beyond the green belt, there is a strong restraint on development, other than required for agriculture, forestry, appropriate rural and countryside activities and local needs." No evidence has been put forward to show that new employment opportunities have been established in the village or parish of Much Hadham to match

the amount of committed and proposed housing development. Even before this proposal for a further 35 dwellings, permissions granted within the parish now total 28 houses (16 within the village boundary, 5 more touching the boundary (at Station Yard) and 7 in the Green Belt (at Warren Farm)). The proposed scheme would therefore go against the underlying strategic objective of the LP to direct growth in village and rural areas to locations which can be seen to be sustainable in terms of a reasonable match between jobs and dwellings so as to minimise commuting for work purposes, and especially by car. The strategy of a strong restraint being applied to development in the rural area would also justify a brake being applied to applications such as this, given the number of applications already approved.

23. Turning to the emerging district plan, to which reasonable weight may now be given, as discussed in paragraph 7, the proposal ignores the Guiding Principles and policy GBR2 prohibits development in the rural area beyond the green belt (except in exceptional cases which do not apply here). Approval for this application would be therefore be refused under it.

*Whether the proposal for housing in this location comprises sustainable development having regard to the development plan and the NPPF.*

24. NPPF paragraph 7 recognises that there are three dimensions to sustainable development, namely economic, social and environmental.

25. Considering the economic dimension first, it is accepted that the construction activity gives a temporary boost to the economy but there are two caveats: (i) there is no evidence that housebuilding activity to develop the site will give a boost to the economy of the village and its surrounding area as the application does not include any provision for local craftsmen and suppliers to be employed. From past experience, it is more likely that builders and other trades will drive in / be brought in from outside the district; and (ii) there is limited ongoing enhancement to economic activity in the village as any economic activity arising from there being more people in one part of the village/parish/district is matched by a corresponding reduction elsewhere, as the developer is promising to prioritise housing for local people – people moving from one local location to another does not of itself cause them to make greater use of the local shop / pub / café. So, whilst the multiplier effect of spending on home-making will see some gain in economic benefits for the village, these should not be overstated.

The loss of high quality agricultural land referred to in paragraph 16 above also has an adverse economic impact. Furthermore, the developer does not even attempt to make a case that housing need is being matched with local job supply, contrary to the strategy of the LP.

26. The social dimension concerns providing the supply of housing required to meet the needs of present and future generations, and having access to local services. It is recognised, that, as one of the larger villages in the rural area beyond the green belt, Much Hadham may not be an inappropriate place in which to provide homes (including affordable homes) needed by households living in the wider rural hinterland. There seems to be no reason why Much Hadham could not accommodate additional population in terms of the capacity of facilities and services. To promote sustainable development in rural areas, NPPF paragraph 55 requires that housing should be located where it will enhance or maintain the vitality of rural communities.

27. However, this site is too remote from the facilities and services of the village. Distances using online mapping software and the shortest footway routes from the centre of the site are: 1,655m to the Londis shop/PO, 1,631m to Doctors' surgery, 1,374m to the Recreation Ground, 1,303m to the primary school gate and 1,071m to the village hall entrance, all beyond the 800m comfortable walking distance cited in the Manual for Streets. The walk along the footway from the Bromley Lane junction to the village is unlit for the first 370m, posing obvious dangers. To walk to school requires the main road to be crossed 4 times as the footway switches sides frequently. Consequently, in practice, journeys to use local facilities and drop off / pick up children at the school would be made by car, exacerbating the existing congestion and parking issues along the B1004 through the village.

28. The proposal can only promote car usage, in breach of emerging plan policy TRA1 I (a) and, indeed, the promise of an upgraded road junction at Bromley Lane is designed to facilitate that.

29. The site would be an enclave, separate from the village and with nothing created to integrate the two. There is no mechanism by which the site will support a strong, vibrant and healthy village community. Local services in the village that reflect the community's needs and support its health, social and cultural well-being will not be easily accessible and there is no reason to think that social activity in the reverse direction – from the village to the enclave – will be facilitated. The precedents of Luxford Close and the Moor Place development are clear evidence that outlying development does not contribute to the vibrancy and health of the village community – on the contrary, they are evidence of the creation of areas of separation and exclusion because of their remote location. There is nothing to drive village activity towards the site – no country footpaths, no bridleways, no retail or business activity, no leisure facilities – in fact no reason whatsoever for present villagers to go there. And if the village can't reach out to the new occupiers and they in turn are remote from the centre of village life, how exactly is there a social benefit?

30. Bus services run through the village to the nearest towns. Services are infrequent and unlikely to be sufficiently convenient for most workers. Railway stations at St Margaret's, Ware, Harlow and Bishop's Stortford in all likelihood would involve use of the private car to access them. The limitations of public transport impede the social credentials of the proposal and also impact negatively on the environmental dimension.

[Incidentally, several application documents e.g. Design and Access Statement, Landscape and Visual Impact Assessment, Transport Statement etc refer to the site being on the B1004 or the High St. It is not. The B1004 turns away from the site at the junction with New Barns Lane, where the High St ends, 450m from the site entrance. These constant incorrect references to the B1004 give a false impression that the site is adjacent to an important highway (a category B road) or to a village thoroughfare (the High St) when, in fact, the road referred to is the C15 unnamed highway beyond the village and thus much less capable of taking traffic volumes and much less suited to a dense, remote enclave. This is a large development to be accessed from an *undesignated*, narrow, thinly populated rural road – Bromley Lane – itself accessed from the minor highway C15.]

31. Paragraph 70 of the NPPF requires: "To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ..... ensure an integrated approach to considering the location of housing, economic uses and community facilities and services." By proposing a housing development in a location beyond the village boundary, away from easy access to facilities and services, and by not reducing or minimising the need for car travel but, rather, increasing that need if those services are to be taken advantage of, there is no evidence of an integrated approach. It is a material consideration of significant weight that the NPPF allows for a planning decision to reject the application for this reason.

32. As mentioned above, delivering sustainable development requires consideration of 3 dimensions: economic, social and environmental. These dimensions are manifested in the NPPF in 13 policies. A summary table has been prepared assessing the contribution the application makes to achieving those policies insofar as they apply in these circumstances:

<b>Policies for delivering sustainable development</b>	<b>Dimension</b>	<b>Assessment of this application's contribution to meeting those policies</b>
Building a strong, competitive economy	Economic	N/A (Relates to policies providing support for business and industry)
Ensuring the vitality of town centres	Economic	N/A (this is a rural area)
Supporting a prosperous rural economy	Economic	<b>Adverse</b> (temporary construction benefits outweighed by permanent failure to match jobs with dwellings appropriate to local needs, and permanent loss of Grade 2 agricultural land)
Promoting sustainable transport	Environmental	<b>Adverse</b> (promotes car usage)
Supporting high quality communications infrastructure	Economic	N/A
Delivering a wide choice of high quality homes	Social	<b>Benefit</b> (wide choice of homes, with 40% affordable)
Requiring good design	Social	N/A (reserved matter)
Promoting healthy communities	Social	<b>Adverse</b> (promotes car usage; no attempt to integrate location with economic uses and community facilities and services)
Protecting Green Belt land	Environmental	N/A (although site is in the rural area beyond the green belt within which many planning policies are similar to those for the Green Belt)
Meeting the challenge of climate change, flooding and coastal change	Environmental	<b>Adverse</b> (flood plans are inadequate; promotes car usage)
Conserving and enhancing the natural environment	Environmental	<b>Adverse</b> (completely contra to landscape character)
Conserving and enhancing the historic environment	Environmental	N/A (no heritage assets and outside conservation area)
Facilitating the sustainable use of minerals	Environmental	N/A

It is accepted that the 13 policies are not to be considered as having equal weight, as the weight is dependent on local considerations.

33. On balance, the economic dimension is assessed as adverse. The social dimension nets to neutral (1 benefit, 1 adverse) and the environmental dimension is adverse in three policy areas. [Other policy areas are not applicable to an outline application in a rural area.] In summary, when assessing the proposal against the highly material consideration of the requirement for sustainable development as required by the NPPF, five policies are adversely affected and only one policy benefits.

34. The NPPF provides for a further consideration in the decision-making process. “Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” (Paragraph 188). The developer has not sought or taken any pre-application advice. Although the developer is not obliged to seek advice, it is another negative consideration.

35. Balancing all the above points, overall while there would be some benefits arising from the proposed scheme it would not fulfil the economic, social and environmental criteria of sustainable development as set out in the NPPF. In terms of the NPPF, the planning harm clearly and significantly outweighs the planning gain.

#### **Planning conditions and obligations**

36. It is submitted that, whilst it is possible that reasonable and necessary planning conditions and obligations could be suggested that would meet the tests of, respectively, paragraphs 206 and 204 of the NPPF, there are no planning conditions and obligations that could be imposed to overcome the reasons for refusing this outline application.

#### **Planning balance and conclusion**

37. For the reasons given above, it is considered that the proposed scheme is not in accordance with saved policies GBC2, GBC3, and GBC 14, nor with the relevant LP aims, objectives and strategies and so is not in accordance with the development plan overall. Granting planning permission would unacceptably prejudice the implementation of the LP and would be contrary to its objectives. Nor is the scheme in accordance with the emerging plan Guiding Principles and policies GBR2, TRA1 I(a) and DES1 III, in that it seeks to develop unsustainably a site in the rural area beyond the green belt. The question now is whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

38. As noted, it is accepted that the District Council cannot demonstrate a 5 year housing land supply across the District as a whole and that paragraph 14 of the Framework is engaged. It is necessary to consider whether the proposed development is sustainable in terms of the Principles set out in the NPPF and, if so, whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the terms of the Framework as a whole – the “tilted balance”.

39. Whilst attaching weight to the positive benefit that this contribution of housing would make to the District and to the fact that the village has capacity in terms of facilities and services, Much Hadham Parish Council consider that these are outweighed by the fact that the proposed development fails to generate net positive economic, social and environmental benefits. It fails to achieve the objective of providing a reasonable match between jobs and dwellings appropriate to meet local needs. Access to village facilities and services, and to employment, would very largely be



by car. The proposal is unable to demonstrate an integrated approach in considering the site location, housing need and access to jobs and facilities. There is no question that the overall sustainability of the proposal has not been demonstrated to the standard required in the NPPF. The parish council does not therefore consider that the circumstances of the proposed scheme represent material considerations of sufficient weight to justify a decision otherwise than in accordance with the development plan and the emerging district plan. This conclusion mirrors that of the Secretary of State in the Bishop Sutton appeal, where a materially similar set of circumstances and arguments applied.

40. Residents strongly object to this application and believe that the material considerations against development are more than sufficient to withstand any potential appeal to the Planning Inspectorate. Much Hadham Parish Council requests that the District Council refuses to grant planning permission and would seek to be represented at any Development Management Committee meeting.

Much Hadham Parish Council

7<sup>th</sup> November 2017

## APPENDIX 1 – EHC PRECEDENTS

Large site approvals outside the main settlements since 2011 (E&OE):

1. Gilston (Terlings Park - brownfield),
2. Braughing (Pentlows Farm – brownfield),
3. Watton at Stone (Station Road – arable land allocated in the 2007 Local Plan),
4. Standon/Puckeridge (Wallace Land – formerly arable land, a reserve allocation in the 2007 Local Plan)
5. High Road, High Cross (straddled the village development boundary).
6. Café Field, Standon – arable land but adjacent to major A road and to village boundary, and supported by draft NP
7. Town Farm Crescent, Standon – arable land but adjacent to major A road and to village boundary
8. Land West of Cambridge Road, Puckeridge – part brownfield, adjacent to major A road
9. Land East of Cambridge Road, Puckeridge – open land not used for agricultural purposes, adjacent to village boundary.
10. Froghall Lane, Walkern – adjacent to village boundary and already bounded on 3 sides by housing
11. Land South Of Martlets, Widford – open land, adjacent to the village boundary in the emerging plan, bounded north and south by housing and only 250m from the centre of Widford.

Dolan's Field, by contrast, is high quality arable land, not brownfield, not adjacent to a major road, not adjacent to the village boundary, not an allocated or reserved site, and not bounded by a significant number of houses. It has none of the key attributes of the precedents for approving large site development outside the main settlements.

## APPENDIX 2 – BISHOP SUTTON CASE

[http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/Core-Docs/cdpmp-dm31\\_cappards\\_road\\_appeal.pdf](http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/Core-Docs/cdpmp-dm31_cappards_road_appeal.pdf)

Bishop Sutton is a rural village in Bath & NE Somerset district. The district council rejected an application to develop a site for 32 houses (including 11 affordable units) on the far side of the village's development boundary because, being outside the boundary, it was contrary to the development plan. The Planning Inspector rejected the developer's appeal too and the Secretary of State (SoS) called it in (*ref 13/04975/OUT*).

The development plan had several core strategic objectives including that the primary focus for economic development would be the major town (Bath) and that development in the rural areas would be located in settlements with a good range of local facilities and good access to public transport.

It was determined that the DC didn't have a 5-year housing supply, so the NPPF rules applied.

The SoS agreed that the corollary of allowing a greater proportion of housing development in the rural areas solely to make up for a shortfall across the district would be to undermine the core strategy of directing the main initiatives for growth on Bath. Some degree of limitation or restraint outside Bath was appropriate to achieve a balanced, sustainable growth strategy. Also, permitting significant growth in excess of the current land supply in the rural areas would undermine the core strategy's principles of sustainable development.

Furthermore, no evidence was put forward by the developer to show new employment opportunities have been established in the village to match the amount of committed and proposed housing development. The proposed scheme would therefore also go against the underlying strategic objective of the core strategy to direct growth to locations which can be seen to be sustainable in terms of a reasonable match between jobs and dwellings so as to minimise commuting for work purposes, especially by car.

The SoS accepted that, being one of the larger villages, it may be appropriate for it to provide housing needed by households living in the wider rural area. The village had the facilities and services to accommodate additional population and none of the relevant environmental agencies were objecting to the application.

However, whilst attaching significant weight to the positive benefit that the contribution of housing would make to the district and to the fact that the village had the capacity to absorb it, this was outweighed by the fact that approving it would go against the objective of providing a reasonable match between jobs and dwellings, so calling into question its overall sustainability.

The SoS considered the proposed scheme would not fulfil the social and economic criteria for sustainable development as set out in the NPPF. Granting planning permission would unacceptably prejudice the implementation of the core strategy and would be contrary to the objectives of the local plan. There were insufficient material considerations to warrant setting aside the development plan. The developer's appeal was rejected.

### APPENDIX 3 – SUPREME COURT: RICHBOROUGH ESTATES v CHESHIRE EAST COUNCIL

From the applicant's Planning Statement 5.5

*“Policy GBC3 lists the types of development considered acceptable within these areas. As this is a housing land supply policy it is now deemed to be out of date. This is consistent with the Court of Appeal Judgment in the case of Richborough Estates v Cheshire East Council (2016) which found that the words ‘relevant policies for the supply of housing’ in paragraph 49 should have a wider interpretation including not only policies for the delivery of new housing but also Plan policies which restrict locations for new housing such as countryside policies i.e. the type of designation covering the application site.”*

The argument is repeated in the Summary 6(1)(i).

It is important to note that the Appeal Court was overruled on this particular point by the Supreme Court on 10 May 2017.

The Supreme Court found that a non-housing policy which has the effect of restricting the supply of housing (e.g. in relation to the Green Belt or Areas of Outstanding Natural Beauty) is not deemed to be out-of-date by paragraph 49 of the NPPF, which is solely concerned with policies for housing supply and not policies that affect housing supply. The Lords were very clear on this distinction in *Suffolk Coastal DC v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East BC [2017]*. See <https://www.supremecourt.uk/cases/docs/uksc-2016-0076-judgment.pdf>

The applicant should have known this. The designation of settlement boundaries and of rural areas beyond the green belt are not housing supply policies. It is now common ground that such policies do not amount to policies for the supply of housing in the terms of Paragraph 49 of the National Planning Policy Framework.

The court also clarified that the NPPF does not displace the primacy of the statutory development plan in respect of non-housing policies when considering planning applications. Non-housing supply policies including GBC3 and GBR2, and the designation of the settlement boundary, are not out of date and continue to carry weight alongside other material considerations.

END