

MUCH HADHAM PARISH COUNCIL

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Notice is hereby given that the **virtual** meeting of the Much Hadham Parish Council **Planning Committee** will be held on **Tuesday, 1st December 2020**, following the closure of the Much Hadham Parish Council meeting, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

For access to this virtual meeting, please request details using email address above or visit the Parish Council website.

F M Forth

Fiona Forth
Clerk of the Council

26th November 2020

A G E N D A

20/121. Apologies for absence

20/122. Declarations of Interest

20/123. Chair's announcements

20/124. Minutes of the last meeting held on 3 November 2020

20/125. Reports on outstanding matters

20/126. Decisions issued by East Herts Council

(i) Permissions granted:

3/20/1605/HH - Erection of timber outbuilding with open sided logstore at Culver Widford Road Much Hadham

(ii) Permissions refused:

3/20/1557/OUT - Proposed outdoor meditation and yoga retreat with all matters reserved at Land to South of Kettle Green Lane Much Hadham

(iii) Application withdrawn:

3/20/1220/HH - Excavation works to create a pond 30 x 70 metre; depth of 4 feet with a central island at Bluebell Farm New Barns Lane Much Hadham

20/127. Planning enforcement

20/128. Residents' comments on current planning applications and appeals

20/129. Planning appeals

To ratify the Parish Council's response to the following planning appeal:

3/20/0144/FUL - Demolition of all buildings. Erection of 9 dwellings (3 detached, 6 semi-detached), together with associated cart lodges/car ports served by a new access and 24 parking spaces at Land At South End Perry Green Much Hadham

To consider the Parish Council's response to the following planning appeal:

3/20/0269/FUL - Erection of 4 two bedroomed dwellings, 2 three bedroomed dwellings and 2 four bedroomed dwellings with associated access, parking and landscaping at Land At Old Station Yard Millers View Much Hadham

20/130. Current Planning Applications for Committee to consider:

3/20/2156/HH - Proposed single storey side extension incorporating 2 rooflights, with a basement and basement garden incorporating retaining walls at Wayside Widford Road Much Hadham

3/20/2266/HH - Loft conversion with 1 rear dormer and 2 front rooflights at 36 Ash Meadow Much Hadham

20/131. Date of next meeting – Tuesday 12th January 2021 – arrangements to be confirmed

MUCH HADHAM PARISH COUNCIL

MINUTES of the Much Hadham Parish Council Planning Committee virtual meeting held on Tuesday, 1st December 2020, at 8:52 pm.

Members: *Cllr I Hunt (Committee Chair) *Cllr D McDonald
 *Cllr B O'Neill *Cllr S Smith
 *Cllr K Twort

*Denotes present.

In attendance: F Forth, Clerk and 3 members of the public.

20/121. APOLOGIES FOR ABSENCE

None.

20/122. DECLARATIONS OF INTEREST

None.

20/123. CHAIR'S ANNOUNCEMENTS

The Chair made the following comments:

- a number of residents have reported that a mobile stable has been placed into the Nature Reserve on Kettle Green Lane along with 2 horses. Mobile stables are generally permitted other than in the Green Belt, where it is a question of whether they impinge on the openness of the space, so it is unlikely there is anything to be done about this one; and
- the application for a Yoga Centre on Kettle Green Lane was robustly rejected by East Herts Council's Planning Officers. The comments of the Planning Officer were thorough - he called it an irregular blot on the landscape and much else besides - and they should be very persuasive in deterring any similar applications.

20/124. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the last meeting held on 3 November 2020 be accepted as a correct record of the proceedings and be signed by the Chair.

20/125. REPORTS ON OUTSTANDING MATTERS

One item has been cleared and as most of the outstanding items relate to enforcement, an update would be considered at that specific agenda item. (Minute ref: 20/127).

20/126. DECISIONS ISSUED BY EAST HERTS COUNCIL

(i) Permissions granted:

3/20/1605/HH - Erection of timber outbuilding with open sided logstore at Culver Widford Road Much Hadham

(ii) Permissions refused:

3/20/1557/OUT - Proposed outdoor meditation and yoga retreat with all matters reserved at Land to South of Kettle Green Lane Much Hadham

(iii) Application withdrawn:

3/20/1220/HH - Excavation works to create a pond 30 x 70 metre; depth of 4 feet with a central island at Bluebell Farm New Barns Lane Much Hadham

20/127. PLANNING ENFORCEMENT

Cllr D McDonald reminded those present that there were a number of follow up points after the last meeting with East Herts Council (28th October). The Parish Council had agreed to provide details of ways that it considers the planning and enforcement system could be improved, and this was done in November. All the actions that East Herts Council's Head of Planning had agreed to take forward are still outstanding, mainly the establishment of meetings with parish councils, to discuss planning and enforcement matters, and details of the strategic planning policy review. In addition, East Herts Council had not made any further decisions in relation to the outstanding enforcement matters for Plot 12A, Moor Place Park and the Nature Reserve on Kettle Green Lane.

20/128. RESIDENTS' COMMENTS ON CURRENT PLANNING APPLICATIONS AND APPEALS

Kettle Green Lane

A resident raised that he had sent a request to East Herts Council, in February this year, to have the container in the field at Kettle Green Lane removed and no action has been taken. It was agreed that the information would be supplied to Cllr D McDonald so that he could chase East Herts Council.

In addition, Cllr D McDonald stated that he was investigating whether horse grazing was within the current permitted use for the Nature Reserve.

20/129. PLANNING APPEALS

The Chair highlighted from the appeals log, circulated with the agenda, that there were two items to consider: 3/20/0144/FUL and 3/20/0269/FUL.

3/20/0144/FUL - Demolition of all buildings. Erection of 9 dwellings (3 detached, 6 semi-detached), together with associated cart lodges/car ports served by a new access and 24 parking spaces at Land At South End Perry Green Much Hadham

The Chair reminded those present that the Parish Council's response to this appeal was agreed by the Committee via email following the last meeting and submitted by the Clerk on 11th November. It was agreed to ratify the decision made by email and the Parish Council's submission is detailed in Appendix A.

3/20/0269/FUL - Erection of 4 two bedroomed dwellings, 2 three bedroomed dwellings and 2 four bedroomed dwellings with associated access, parking and landscaping at Land At Old Station Yard Millers View Much Hadham

The draft response, circulated by the Chair prior to the meeting, was adopted as the Parish Council's submission – detailed in Appendix B. The Clerk was asked to submit to the Planning Inspectorate accordingly.

20/130. CURRENT PLANNING APPLICATIONS CONSIDERED

(i) Support given to the following application:

3/20/2266/HH - Loft conversion with 1 rear dormer and 2 front rooflights at 36 Ash Meadow Much Hadham

Vote: all Cllrs present voted to support this application.

(ii) Objections raised on the following application:

None

(iii) Neutral view on the following application:

3/20/2156/HH - Proposed single storey side extension incorporating 2 rooflights, with a basement and basement garden incorporating retaining walls at Wayside Widford Road Much Hadham

Vote: all Cllrs present voted to be neutral on this application.

20/131. DATE OF NEXT MEETING

Tuesday, 12th January 2021 following the close of the Much Hadham Parish Council meeting.
Arrangements to be confirmed but likely to be in the same format as tonight.

There being no further business the meeting closed at 9:14 pm

Reference: APP/J1915/W/20/3256186

Demolition of all buildings. Erection of 9 dwellings (3 detached, 6 semi-detached), together with associated cart lodges/car ports served by a new access and 24 parking spaces. Land At South End, Perry Green, Much Hadham, Hertfordshire SG10 6EW

Appellant: The Trustees Of The Congregation Of The Daughters Of The Cross Of Liege & Grange Builders LLP

Much Hadham Parish Council is against the appeal proposals. This submission is additional to that of 5 March 2020 to the LPA (East Herts Council) in response to planning application 3/20/0144/FUL, all of which remains fundamental to our objection.

The purpose of this submission is to update the earlier one, without repeating it, in the light of the additional claims made in the Appeal Statement.

Representation by Much Hadham Parish Council

1. This planning application was considered and objected to by the Planning Committee of the Parish Council on 3 March 2020. It is understood from the Appeal Questionnaire prepared by the local planning authority that our objection has been forwarded to the Planning Inspector as a representation from an interested party about the original application. Its contents are therefore not repeated here.
2. This further representation addresses points arising from the Appeal Statement of July 2020 prepared on behalf of the appellants by Jane R. Orsborn. It contains under the heading: 2.0 Emerging Much Hadham Neighbourhood Plan several inaccurate statements about the draft Neighbourhood Plan being prepared by the Parish Council, which we seek to correct here.
3. By way of background, the Neighbourhood Plan has not yet been adopted and so only limited weight can be afforded to its policies and site allocations. The current status is that, as required by Regulation 14 Neighbourhood Planning (General) Regulations 2012, a public consultation was undertaken in August - September 2019. Subsequently a Strategic Environmental Appraisal (SEA) was carried out in Spring 2020. The Plan is being revised to accommodate the consultation responses and the SEA findings, and is expected to be submitted shortly to the local planning authority under Regulation 15.
4. The Appeal Statement correctly notes in its paragraph 2.2 that the site allocation for 15 units at Moor Place Gate has been withdrawn from the draft Plan but is wrong to imply in paragraph 2.3 that there is thus a reliance on windfall development for 15 units. The Regulation 14 site allocations provided for 61 units, 7 more than the minimum requirement of 54 units. By withdrawing 15 of the 61 units, the windfall allowance to achieve the minimum requirement is only 8 units.
5. Paragraph 2.3 includes: "The failure of the Neighbourhood Plan to provide for the total number of houses required under (district) policy VILL 1, and the potential during its examination for interrogation of the assumptions of housing delivery contained within it, are likely to result in pressure being applied to the Parish to find additional sites or risk the Neighbourhood Plan being found not to meet the "basic conditions"." This is incorrect. The Plan, in providing for a minimum of 54 units, will meet the basic conditions as the use of a modest windfall allowance is permitted.¹ Moreover, based on existing development run rates, potential sites within the existing village development boundary and minor boundary extensions to be proposed in the Plan, the achievement

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2> Paragraph: 097

of the necessary windfall development over the plan period to 2033 is expected to be comfortably achieved.

6. Paragraph 3.5.1 correctly reports that St Elizabeth's requested the withdrawal of a policy provision for staff accommodation in the draft Neighbourhood Plan, and this has been done. However, it should not therefore be assumed that there is no demand from staff (as opposed to the employer) for local affordable accommodation.

7. Paragraph 4.4.2 makes reference to the housing mix of 1-, 2- and 3-bedroom dwellings preferred by the draft Neighbourhood Plan. The draft policy goes on to require that proposals for sites with plots for homes with more than 3 bedrooms will need to demonstrate that there is a local need for larger homes. The purpose of the draft policy is to encourage housing that demonstrably meets the needs of older people wishing to downsize or of younger people looking to overcome affordability challenges. The appeal proposal relies instead on district-wide market assessments rather than addressing local needs.

8. The statement in paragraph 5.1 that "Much Hadham Parish Council was concerned with some of the details of the scheme, and queried sustainability credentials, but appeared not to be totally opposed to the principle of re-development. This may be in recognition of the fact that it is proving difficult to identify sufficient suitable sites within/adjacent to the defined village envelope to provide the minimum number of 54 dwellings as required by Policy VILL1 of the Adopted District Plan" is speculative and is incorrect. As shown above, the achievement of the minimum requirement of 54 units is satisfactorily planned for.

9. In paragraph 5.3 of the Appeal Statement the appellants refer to district policy VILL3 which "allows for limited infill development when identified in a Neighbourhood Plan". [There was also an earlier reference in paragraph 4.2.2.] The Parish Council wishes to make clear that the draft Plan makes no provision for such limited infill development in any settlement to which VILL3 applies. In any event, this is not a proposal for infill development as the site is already developed.

10. The Appeal Statement was accompanied by a Statement of Truth which purported to provide additional factual information and we do not challenge this.

SUMMARY / CONCLUSION

11. The Parish Council accepts that re-development of this site is appropriate. It is a brownfield site previously used for residential accommodation and there are no planning policy reasons why it should not continue to be so. The concerns we have are about the density of development, the provision of adequate amenity space and the need to ensure development is sustainable.

12. District Policy VILL1 is clear that the minimum housing requirement for a Grade 1 village such as Much Hadham is to be achieved by development within the village boundary (as amended by any Neighbourhood Plan). The hamlet of South End / Perry Green is well beyond the boundary of Much Hadham village. Development on this site would not contribute to the achievement of the minimum requirement of 54 units, so it is wrong for the Appeal Statement to imply that permission for development could be justified by such a contribution.

Ian Hunt

10 November 2020

Decision to approve this submission made by Much Hadham Parish Council Planning Committee members by email 11th November 2020. This decision will be ratified at the next Much Hadham Parish Council Planning Committee meeting on 1st December 2020.

Reference: APP/J1915/W/20/3259621

Erection of 4 two-bedroomed dwellings, 2 three-bedroomed dwellings and 2 four-bedroomed dwellings with associated access, parking and landscaping at Land At Old Station Yard, Millers View, Much Hadham

Appellant: Browndog Developments Ltd

Much Hadham Parish Council is against the appeal proposals. This submission is additional to that of 3 March 2020 to the LPA (East Herts Council) in response to planning application 3/20/0269/FUL, all of which remains fundamental to our objection.

The purpose of this submission is to update the earlier one, without repeating it, in the light of the additional claims made in the Appeal Statement.

Representation by Much Hadham Parish Council

1. This planning application was considered and objected to by the Planning Committee of the Parish Council on 3 March 2020. It is understood from the Appeal Questionnaire prepared by the local planning authority that our objection has been forwarded to the Planning Inspector as a representation from an interested party about the original application. Its contents are therefore not repeated here.

2. This further representation addresses points arising from the Appeal Statement of September 2020 prepared on behalf of the appellants by DLA Town Planning, primarily in relation to our emerging Neighbourhood Plan.

3. By way of background, the Neighbourhood Plan has not yet been adopted and only limited weight can be afforded to its policies and site allocations. The current status is that, as required by Regulation 14 Neighbourhood Planning (General) Regulations 2012, a public consultation was undertaken in August - September 2019. Subsequently a Strategic Environmental Appraisal (SEA) was carried out in Spring 2020. The Plan is being revised to accommodate the consultation responses and the SEA findings. It is expected to be submitted shortly to the local planning authority under Regulation 15.

4. The Appeal Statement correctly notes in its paragraph 4.3.4 that the site allocation for 15 units at Moor Place Gate has been withdrawn from the draft Plan. The Regulation 14 site allocations provided for 61 units, 7 more than the minimum requirement of 54 units. In withdrawing 15 of the 61 units, a windfall allowance of 8 units has been added to achieve the minimum requirement.

5. It should be noted that the paragraph numbering of the Appeal Statement goes awry starting at page 27 and continuing to page 30, in that the paragraph numbering 6.4.1.2 to 6.4.1.6 on pages 26 and 27 is repeated but with different content. As a consequence, the following references also include the relevant page number, for the avoidance of doubt.

6. Paragraph 6.4.1.5 (p27) includes “.....the NP as it stands would provide a yield only of only 46 houses over the plan period - a shortfall of 8 units compared to the LP minimum requirement. The appeal proposal would meet this shortfall, thus providing provide greater certainty with regard to housing delivery in Much Hadham over the Plan period. Equally, on the basis that 54 homes is a minimum requirement, it would not preclude other suitable small scale windfall sites coming forward within this Group 1 village, particularly given the overarching aim of the NPPF to significantly boost the supply of housing.” The Parish Council does not accept the underlying premise of this statement that there is uncertainty that the village will provide a minimum of 54 dwellings in the plan period to 2033. The Plan, in providing for a minimum of 54 units, will meet the basic conditions as the use of a

modest windfall allowance is permitted². Moreover, based on existing development run rates, potential sites within the existing village development boundary and minor boundary extensions to be proposed in the Plan (as revised since the Pre-Submission consultation), the achievement of the necessary windfall development over the plan period to 2033 is expected to be comfortably exceeded. There is no need to approve development outside the Plan's proposed village boundary when there are better, sustainable, centrally-located sites coming forward.

7. Paragraph 6.4.1.6 (p28) refers to the deadline of 31 March 2021 for submission of the Neighbourhood Plan for a Regulation 16 consultation and the Parish Council hereby confirms this will be met.

8. Paragraph 6.4.1.7 (p28) comments "*.....it is noted that the December 2019 NP Parish Council Update Report..... stated that it was 'always a red line' in 'pressing on with Moor Place Gate', presumably alluding to that site's location within the setting of a listed building and a conservation area.*" This is what was actually reported: "*.....EHC have not been willing to consider community housing, much less give up nomination rights so that we could promise local people would get priority for the new housing. This was always a red line for us in pressing on with Moor Place Gate.....*"³ For the avoidance of doubt, the red line was that, if such a sensitive site were to be developed, the quid pro quo would be that the community would retain the right to set its own nomination rights rather than have these imposed by EHC. That way, we could be sure that preference would be given to local residents and local workers. Once it became apparent this would not be permitted, the site was released.

9. Paragraph 6.4.1.7 (p28) then goes on: "*The Parish Council's recognition that the Moor Place Gate Site was likely to be problematic, whilst nonetheless including it as an allocation in the presubmission NP; and their subsequent resignation to the fact that its deletion would inevitably result in a reliance on smaller windfall sites, strongly suggests that the NP process did not identify any alternative Sites. Had they been identified, they would surely have been pursued in the first instance in preference to Moor Park Gate, or promoted as an alternative following the decision to delete Moor Place Gate.*"

10. Paragraph 6.4.1.8 (p28) continues the theme: "*In the above circumstances, whilst it is acknowledged that there is a remote chance that an alternative comparable Site could come forward that the Parish Council had not previously considered, or that a Site could become available that was previously regarded as being unavailable, it is clear that the Parish Council themselves consider this unlikely and that they have no plans to actively identify an alternative.*"

11. This line of argument is simply incorrect. As part of the Pre-Submission consultation responses, landowners proposed substantial sites on Oudle Lane and on Kettle Green Lane adjacent to, but on the wrong side of the village boundary. Both are very much closer to village facilities than Old Station Yard, Millers View and both offered the prospect of affordable housing. Both sites were subjected to the standard site assessment process that the Neighbourhood Plan has followed throughout and were found to fall short in key respects, not least of which being that they were on the wrong side of the village boundary, as is the appeal site. It would be perverse now to favour the appeal site over either of those.

12. Moreover, in recent weeks, the huge site at Hill House / the former Barn School (~7 acres) in the very heart of the village has been marketed as having "development potential" and a sale was

² <https://www.gov.uk/guidance/neighbourhood-planning--2> Paragraph: 097

³

<https://www.dropbox.com/home/Much%20Hadham%20Neighbourhood%20Plan/Public/Reports%20to%20Parish%20Council?preview=50.+December+2019.docx>

agreed in August 2020. It may well come forward as a Rural Exception Site to provide affordable housing to local people.

Additionally, following discussions initiated by the landowner in Summer 2020, the village boundary is proposed to be extended to include Nimney House, also in the heart of the village, with an expectation that this will contribute windfall housing of 3-4 units.

13. Given all this activity, it is hoped that the Planning Inspector will agree that there will be sufficient windfall development over the Plan period and that there is no requirement for the appeal site to be part of it.

14. In paragraphs 6.4.1.9 (p28) to 6.4.1.16 (p30), the appeal statement tries to justify the proposed breach of established spatial and village planning policies by pointing to the provision of affordable housing to the extent of 4 dwellings. Whilst this would have social benefit, NPPF paragraph 11 states *“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.”* The provision of a small amount of social housing on this site is not judged to be a sufficiently material consideration to justify not following the local plan. Moreover, whilst the emerging Neighbourhood Plan would welcome more affordable housing, EHC in its local plan has not required Much Hadham to provide any.

SUMMARY / CONCLUSION

15. District Policy VILL1 does not permit development outside a village boundary whilst a neighbourhood plan is being prepared. That policy alone should be sufficient justification to reject the appeal. To override it would be hugely detrimental to the plans of all the villages in the district and undermine residents’ faith in the neighbourhood plan process.

16. District Policy VILL1 is clear that the minimum housing requirement for a Grade 1 village such as Much Hadham is to be achieved by development within the village boundary (as amended by any Neighbourhood Plan). This site is beyond the boundary of the village and the draft Neighbourhood Plan does not propose extending it here. Development on this site is unnecessary for the achievement of the minimum requirement of 54 units, so it is wrong for the Appeal Statement to imply that permission for development could be justified by such a contribution.

17. The provision of affordable housing is not a sufficient justification for overriding the local plan and the NPPF.

END

Decision to approve this submission made by Much Hadham Parish Council’s Planning Committee at its meeting on 1st December 2020.