

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, 5th October 2021**, in the **Much Hadham Village Hall**, 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.

F M Forth

Fiona Forth
Clerk of the Council

30th September 2021

A G E N D A

- 21/92. Apologies for absence
- 21/93. Declarations of interest and requests for dispensations
- 21/94. Chair's announcements
- 21/95. Minutes of the last meeting held on 7th September 2021
- 21/96. Reports on outstanding matters
- 21/97. Decisions issued by East Herts Council
- (i) Permissions granted:
- 3/21/0848/FUL - Erection of 3 detached dwellings with associated access, detached car ports and parking at Land South of Culver Lodge Widford Road Much Hadham
- 3/21/1718/HH - Re-configuration of entrance porch at 1 Blacksmiths Cottages Green Tye Much Hadham
- 3/21/1859/PNHH - Single storey rear extension with a Depth of 6.5 metres; Maximum height 3.00 metres and Eaves height 2.74 metres at 1 Danebridge Lane Much Hadham (By default as prior approval not required)
- 3/21/2058/HH - Demolition of conservatory and lean to, erection of a single storey side extension at The Bell House Widford Road Much Hadham
- 3/21/2074/ARPN - Change of use of agricultural building to Class C3 for 1 dwelling at Uffords Farm Green Tye Much Hadham
- (ii) Permissions refused:
- None
- (iii) Applications withdrawn:
- None
- 21/98. Planning enforcement
- 21/99. Residents' comments on current planning applications and appeals

21/100. Planning appeals

To consider the Parish Council's response to the following planning appeal: None

To note the outcome of the following planning appeals:

3/21/0322/HH - Construction of residential annex at Old Park Farm Perry Green Much Hadham:

Appeal allowed with conditions

21/101. Current Planning Application for Committee to consider:

3/21/2006/HH & 3/21/2007/LBC - Removal of dilapidated driveway, front gates and paving adjacent to house; reconstruction and widening of driveway; replacement of front gates, side access gate and construction of walls with trellis to each side; install dog proof post and rail fence to front; construction of retaining walls between driveway and lawn area, with steps up to lawn; construction of retaining walls to allow terraces and steps; creation of raised planting beds; construction of terrace/patio areas on split levels with step access; install two softwood pergolas; construction of stepped gravel pathway; install SUDS compliant drainage; soft landscaping at Laylock Cottage High Street Much Hadham

3/21/2170/FUL - Erection of eight dwellings (four to be affordable homes): two, three bedroom houses; two, four bedroom houses; and four, two bedroom bungalows; creation of new vehicular access way, landscaping and 21 carparking spaces at Old Station Yard Millers View Much Hadham

3/21/2181/HH - Proposed extension and alterations to roof, new rear and side dormers at Clovers Perry Green

3/21/2235/HH - Erection of two storey detached outbuilding at The Horseshoe Widford Road Much Hadham

3/21/2237/FUL - Erection of four dwellings (to include one affordable unit) with associated access road and landscaping at Old Station Yard Millers View Much Hadham

21/102. Date of next meeting – Tuesday 2nd November 2021 – Green Tye Mission Hall (to be confirmed)

MUCH HADHAM PARISH COUNCIL

MINUTES of the Much Hadham Parish Council Planning Committee meeting held on Tuesday, 5th October 2021, in the Much Hadham Village Hall, at 8:58 pm.

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

*Denotes present.

In attendance: F Forth, Clerk and 5 members of the public.

21/92. APOLOGIES FOR ABSENCE

None.

21/93. DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATIONS

None.

21/94. CHAIR'S ANNOUNCEMENTS

None.

21/95. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the last meeting held on 7th September 2021 be accepted as a correct record of the proceedings and be signed by the Chair.

21/96. REPORTS ON OUTSTANDING MATTERS

The report on outstanding matters was circulated prior to the meeting.

Cllr D McDonald provided an outline of the main messages from East Herts Council's (EHC) first Planning Forum, held virtually on 30th September. EHC's Head of Planning had reiterated the difficulties faced by the Planning Department and a recognition that the level of "customer service" was not satisfactory, including not being responsive to communications from Parish Councils. Acknowledgement was also given to the existence of concerns regarding the effectiveness of the enforcement regime.

EHC's Head of Planning expressed the intention to consult and work more closely with Parish Councils in the future but no information was provided on how this would be achieved. In addition, it was noted that there were no plans to increase staffing in the Department although officers that have left would be replaced.

In terms of other outstanding matters, Cllr D McDonald highlighted that:

- an enforcement notice had been issued late September in relation to Plot 12A Moor Place Park which requires the owner to comply with the landscaping conditions. Failure to do so could result in the owner being fined; and
- a positive meeting had taken place between 3 members of the Planning Committee and the owner of the Jolly Waggoners site on 1st October to discuss options for the site. The owner agreed to consider these further and will advise the Parish Council of his intentions in due course, for possible further discussion.
[3 members were Cllr I Hunt; Cllr D McDonald and Cllr K Twort.]

21/97. DECISIONS ISSUED BY EAST HERTS COUNCIL

(i) Permissions granted:

3/21/0848/FUL - Erection of 3 detached dwellings with associated access, detached car ports and parking at Land South of Culver Lodge Widford Road Much Hadham

3/21/1718/HH - Re-configuration of entrance porch at 1 Blacksmiths Cottages Green Tye Much Hadham

3/21/1859/PNHH - Single storey rear extension with a Depth of 6.5 metres; Maximum height 3.00 metres and Eaves height 2.74 metres at 1 Danebridge Lane Much Hadham
(By default as prior approval not required)

3/21/2058/HH - Demolition of conservatory and lean to, erection of a single storey side extension at The Bell House Widford Road Much Hadham

3/21/2074/ARPN - Change of use of agricultural building to Class C3 for 1 dwelling at Uffords Farm Green Tye Much Hadham

(ii) Permissions refused:

None.

(iii) Applications withdrawn

None.

21/98. PLANNING ENFORCEMENT

Covered as part of outstanding matters (Minute ref: 21/96).

It was noted that the sale of the “Nature Reserve” on Kettle Green Lane was going ahead and it was hoped it’s future use would be complementary to its status.

21/99. RESIDENTS’ COMMENTS ON CURRENT PLANNING APPLICATIONS AND APPEALS

3/21/2170/FUL - Erection of eight dwellings (four to be affordable homes) at Old Station Yard Millers View Much Hadham

A resident commented that this application was the same as the previously turned down applications for this site and encouraged the Planning Committee to object to the application.

3/21/2237/FUL - Erection of four dwellings (to include one affordable unit) at Old Station Yard Millers View Much Hadham

A resident highlighted that whilst only 4 dwellings were proposed for this site which looked smaller, these were in fact larger than those proposed in the 2016 application and would be clearly visible from Footpath 11 and Kettle Green Lane. In addition, the resident highlighted that although the woodland was referred to, there was no guaranteed protection for it.

It was also confirmed that both of the above applications were on the same plot of land which increases the potential risk of opening up the field between this proposed site and Kettle Green Lane for development.

21/100. PLANNING APPEALS

There were no new appeals to consider.

The outcome of the following planning appeal was noted:

3/21/0322/HH - Construction of residential annex at Old Park Farm Perry Green Much Hadham:

Appeal allowed with conditions

The Chair commented that the Planning Committee’s concern that, in time, the annexe could become an independent residence had been recognised by the Planning Inspector as the conditions include that “at no time can it be used as an independent unit of residential accommodation.”

21/101. CURRENT PLANNING APPLICATIONS CONSIDERED

(i) Support given to the following application:

3/21/2006/HH & 3/21/2007/LBC - Removal of dilapidated driveway, front gates and paving adjacent to house; reconstruction and widening of driveway; replacement of front gates, side access gate and construction of walls with trellis to each side; install dog proof post and rail fence to front; construction of retaining walls between driveway and lawn area, with steps up to lawn; construction of retaining walls to allow terraces and steps; creation of raised planting beds; construction of terrace/patio areas on split levels with step access; install two softwood pergolas; construction of stepped gravel pathway; install SUDS compliant drainage; soft landscaping at Laylock Cottage High Street Much Hadham

Vote: all Cllrs present voted to support this application.

3/21/2181/HH - Proposed extension and alterations to roof, new rear and side dormers at Clovers Perry Green

Support given subject to a reduction in the window area of the new rear dormer, which is disproportionate to existing fenestration on that elevation.

Vote: all Cllrs present voted to support this application.

(ii) Objections raised on the following application:

3/21/2170/FUL - Erection of eight dwellings (four to be affordable homes): two, three bedroom houses; two, four bedroom houses; and four, two bedroom bungalows; creation of new vehicular access way, landscaping and 21 carparking spaces at Old Station Yard Millers View Much Hadham

Basis of the objection is detailed in Appendix A.

Vote: all Cllrs present voted to object to this application.

3/21/2235/HH - Erection of two storey detached outbuilding at The Horseshoe Widford Road Much Hadham

Objection on the basis that the purpose of this building, an indoor leisure facility, is not a specified permitted purpose under policy GBR2 and there is no accompanying documentation to demonstrate how it does comply.

Vote: all Cllrs present voted to object to this application.

3/21/2237/FUL - Erection of four dwellings (to include one affordable unit) with associated access road and landscaping at Old Station Yard Millers View Much Hadham

Basis of the objection is detailed in Appendix B.

Vote: all Cllrs present voted to object to this application.

(iii) Neutral view on the following application:

None.

21/102. DATE OF NEXT MEETING

Tuesday, 2nd November 2021 following the close of the Much Hadham Parish Council meeting at the Green Tye Mission Hall.

There being no further business the meeting closed at 9:31 pm

3/21/2170/FUL | Erection of eight dwellings (four to be affordable homes): two, three bedroom houses; two, four bedroom houses; and four, two bedroom bungalows; creation of new vehicular access way, landscaping and 21 carparking spaces at Old Station Yard Millers View Much Hadham

Much Hadham Parish Council objects to this planning application. The basis of the objection is set out below:

The applicant's planning statement confirms this application is identical to a previous application 3/20/0269/FUL. This was refused permission by EHC in its decision notice of 6 April 2020 as it was contrary to Policies DPS2, DES2, DES3, DES4 and GBR2 of the East Herts District Plan (2018) and the National Planning Policy Framework (NPPF) (2019).

It is a material consideration carrying significant weight that the subsequent appeal was also dismissed (APP/J1915/W/20/3259621) as, according to the Planning Inspector, "the proposal would harm the character and appearance of the area and would conflict with Policies GBR2, DES2, DES3, DES4, DPS2 and VILL1 which amongst other matters seek to deliver sustainable development which relates well to the village, and maintain the Rural Area Beyond the Green Belt as a valued countryside resource, including the retention of existing landscape features which are of amenity value. It would also be at odds with the overarching aims of the National Planning Policy Framework."

As this new application is identical to the previous application and as the policies in the District Plan are unchanged, as are the aims of the NPPF, this application is without any merit. The findings of the Planning Inspector in respect of the Main Issue, being the effect of development on the character and appearance of the area, still apply.

The applicant seeks to create a distinction between this latest application and the rejected application by updating two items that the Planning Inspector gave no weight to: a unilateral undertaking to provide affordable housing and the policies of the proposed Neighbourhood Plan (NP).

In relation to the first of these, the applicant apparently provides a unilateral undertaking (UU) in relation to the provision of affordable housing (*this document does not appear to be on the planning portal and has not been seen*). The argument is that, had this been available to the Planning Inspector, its benefits may have been given sufficient weight to overcome the reasons for dismissing the appeal. However, the NPPF 2021 para 47 is clear that "Planning law requires that applications for planning permission be determined in accordance with the development plan (*i.e. the District Plan*), unless material considerations indicate otherwise." The applicant does not show how the UU addresses the non-compliance with Policies GBR2, DES2, DES3, DES4, DPS2 and VILL1 of the East Herts District Plan, which failure led to the dismissal of the last appeal. Nor does the applicant identify any material considerations that would justify setting aside the development plan in determining the application.

For the second item, the applicant seeks to give significant weight to the absence of specific sites for affordable housing in the proposed Neighbourhood Plan. However, under the District Plan the NP (which is yet to be examined) is not required to identify specific sites for affordable housing so no weight should be attached to the absence of affordable housing sites in it. If the applicant wishes to make a case for affordable housing in the rural area, then an application compliant with, inter alia, Policy HOU4 Rural Exception Affordable Housing Sites would be required.

This application is, essentially, an attempt to appeal against the previous appeal decision and, as such, may be considered by some as a meritless abuse of process.

Decision to approve this submission made at the Much Hadham Parish Council Planning Committee meeting on 5th October 2021

3/21/2237/FUL | Erection of four dwellings (to include one affordable unit) with associated access road and landscaping at Old Station Yard Millers View Much Hadham

Much Hadham Parish Council objects to this planning application. The basis of the objection is set out below:

This application is submitted by the same applicant and at the same time as 3/21/2170/FUL (qv). Although a smaller proposal, it is on the same site as application 3/20/0269/FUL, which was dismissed on appeal (see APP/J1915/W/20/3259621) as, according to the planning inspector, “the proposal would harm the character and appearance of the area and would conflict with Policies GBR2, DES2, DES3, DES4, DPS2 and VILL1 which amongst other matters seek to deliver sustainable development which relates well to the village, and maintain the Rural Area Beyond the Green Belt as a valued countryside resource, including the retention of existing landscape features which are of amenity value. It would also be at odds with the overarching aims of the National Planning Policy Framework.” The applicant needs to demonstrate that these policy conflicts do not also apply to this application.

NPPF (2021) para 47 is clear that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. Guiding principle 8 of the District Plan is “to protect and enhance the rural area outside the allocated development areas to maintain the countryside and the rural character of the District”, whilst policy DPS2 creates a hierarchy for sustainable development that excludes the rural area. GBR2 consequently permits very limited development in the rural area under certain specified circumstances, none of which does the applicant attempt to demonstrate apply in this case.

DPS2 does permit sustainable development in villages and VILL1 identifies Much Hadham as a Group 1 village in which sustainable development could be located. However, it is accepted by the applicant that the site lies outside the village boundary.

The applicant’s planning statement attempts to make the case for development by reference to a claimed shortfall in housing provision in the submitted neighbourhood plan. There is no such shortfall. The requirement for 54 dwellings is met after including a modest allowance for windfall development, as permitted by Planning Practice Guidance. Furthermore, the submitted neighbourhood plan does not include this site as a potential housing site.

Even if the above policies were set aside, the application fails to comply with the relevant design and landscape policies. DES2 requires development proposals to demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district’s landscape. A Landscape and Visual Impact Assessment is provided. It accepts that 17 existing trees will be removed. In 5.3.1 it claims “There are no direct and clear views of the whole site with all views being screened or filtered to some extent.” This is simply untrue – the view of the site north-west from the existing road at Millers View is currently of the wooded area. This view would cease to exist if development were to proceed.

It is undeniable that the development would involve a permanent loss of countryside through urbanising yet another undeveloped part of the local landscape. The loss of trees, notwithstanding the proposed introduction of new planting, would adversely impact the existing natural transition from the built form to open countryside. The woodland to the rear of the site would be further squeezed, risking a loss of bio-diversity. [It is a matter of regret that the earlier extension of Millers View cut through the existing bat corridor by installing a turning head adjacent to the boundary with Mill Cottages.]

The applicant has not demonstrated there are material considerations which would justify setting aside the settlement hierarchy in the District Plan and developing in the rural area, to the detriment of the countryside.

Decision to approve this submission made at the Much Hadham Parish Council Planning Committee meeting on 5th October 2021