

FELSTED PARISH COUNCIL
Minutes of the Planning Committee Meeting
Tuesday 20th December 2022 at 6pm

Attending: Councillors, Richard Freeman (Chairman), Andy Bennett, Penny Learmonth, Alec Fox, Hywel Jones, Roy Ramm. In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

There were apologies for absence from Andrew Parker

2. Declarations of Interest

There were no declarations of interest

3. Public Forum

There were no members of the public present.

4. Approval of Minutes of Previous Meeting

The minutes of the 15th November meeting were formally approved. They will be signed when the Planning Committee next physically meet.

5. New Applications to be considered

[UTT/22/3121/HHF](#)

Conway Causeway End Road

Proposed rear balcony and canopy to rear elevation of existing dwelling.

No Comment

[UTT/22/3057/FUL](#)

Tarcquita Braintree Road

Demolition of existing dwelling and outbuildings and erection of 1no. replacement dwelling and garage. The existing dwelling has been refused for 3 mortgage applications on account of build quality and it is required that the structures be demolished.

No Comment

[UTT/22/3093/LB](#)

Larks Bannister Green

Internal alterations: 1. Removal of an internal partition between breakfast room and store. 2. Removal of wall linings to internal wall between dining room and breakfast room, retention of exposed studs, sole plate and masonry plinth. 3. Provision of new door to existing opening in partition adjacent to staircase.

No Comment

[UTT/22/3178/DFO](#)

Land East And North Of Clifford Smith Drive Watch House Green

Details following outline application UTT/19/2118/OP for the erection of up to 41 no. dwellings - details of appearance, landscaping, layout and scale. Application to discharge conditions 7 and 8 (Surface Water Drainage), 11 (access arrangements), 12 (pedestrian link), 17 (Reptile Mitigation Strategy), 18 (CEMP Biodiversity), 19 (Biodiversity Enhancement Strategy) and 22 (Energy Statement)

Comment: Felsted Parish Council believes that these proposals provide a positive impact on the environment within the constraints of the planning permission which has already

been granted. It particularly welcomes the plans for planting which will enhance the biodiversity within the development.

[UTT/22/3289/HHF](#)

The Oldfields Cock Green Road

Proposed single storey side extension.

No Comment

[UTT/22/3357/HHF](#)

Windsor House 1 Dewdrop Close

Extension of existing garage to create double garage with office in roof space.

No Comment

[UTT/22/3372/HHF](#)

Foxtons Mole Hill Green

Detached garage with room above

No Comment

[UTT/22/3396/HHF](#)

3 Cromwell Park

New window and French doors

No Comment

[UTT/22/3364/FUL](#)

The Chequers Inn Braintree Road

Partial demolition and reconstruction of dilapidated outbuilding

Comment: Felsted Parish Council fully support this application which restores, reinstates and protects the long term future of an important building within the conservation area that might otherwise be lost.

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

Brooklands Stebbing Road

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

Comment: As a result of local residents raising concerns in May 2021 Felsted Parish Council reported the presence of this building to the Enforcement Department at Uttlesford District Council and and from recent enquiries we understand that this case is still under investigation.

Even without this background Felsted Parish Council objects to this application. Without an understanding what the building is intended to be used for it can not comment on whether the design of the building is appropriate, therefore it must object to the application.

[UTT/22/3422/LB](#)

West Manor 11 Station Road

Remove existing internal timber double door set between kitchen and conservatory and reposition to living room. Relocation of basement floor access hatch with amendment to floor joists. Relocation of double timber door set to living room/hall with infill above. Upgrade of glazing to existing conservatory comprising installation of secondary glazing panels and replacement triple glazing to roof light. Removal and infill of window panel to east end of conservatory. Waste pipe route through internal wall to basement below. Lining

of existing wall and ceiling of conservatory area with insulation and finishes to upgrade thermal performance.

No Comment

[UTT/22/2541/LB](#)

The Manor House 9A Station Road

To replace windows that are beyond repair incorporating energy saving conservation glass. The appearance would be the same, being wood and glass. Secondary glazing will be added to the majority of windows.

No Comment

[UTT/22/3439/HHF](#)

Single storey side extension

The Chimes Bannister Green

No Comment

6. Decisions received since 15 November

[UTT/22/2629/LB](#)

West Manor 11 Station Road

Removal of internal wall to rear range comprising removal of door and window opening - insertion of structural beam support over. Relocation of basement floor access hatch with amendment to floor joists. Relocation of double timber door set to living room/hall with infill above. Upgrade glazing to existing conservatory comprising installation of secondary glazing panels and replacement triple glazing to rooflight. Removal and infill of window panel to east end of conservatory. Waste pipe route through internal wall to basement below. Lining of existing wall and ceiling of conservatory area with insulation and finishes. Replacement of internal door leaf.

Permission Refused - 11th November 2022 *'it will result in the considerable loss of historic wall fabric at ground floor level which will also further erode understanding of the historic plan form. The proposals would cause harm to the significance of the listed building, and would fail to preserve its special interest.'*

[UTT/22/2544/OP](#)

Land East Of Kunduchi Rayne Road

Outline application with all matters reserved, with the exception of access and landscaping, for 8 detached dwellings

Permission Refused - 23rd November 2022 *'it would, by virtue of its urbanisation of the site intrude into the open countryside; detrimental to the character and appearance of the area and countryside setting'*

[UTT/22/2537/HHF](#)

Hawkins Braintree Road

Demolition of rear conservatory and erection of single storey rear extension to form dining room. Erection of extension to create covered passage between dining room and existing kitchen

Permission Granted - 24th November 2022

[UTT/22/2673/FUL](#)

Land Rear Of 22 Ravens Crescent

Proposed construction of 1 no. 2 bed detached bungalow together with new access including replacement vehicular parking for no 22 and associated external works.

Application Withdrawn - 29th November 2022

The Assistant Clerk will contact the Planning Department at Uttlesford District Council to request that this planning application is not submitted again so that the resident of 22 Ravens Crescent is able to enjoy her residence without uncertainty.

[UTT/22/2471/HHF / UTT/22/2472/LB](#)

The Bungalow 1 Aylands Farm Bannister Green

Replacement external doors and windows, new patio doors and new external cladding

Permission Granted - 30th November 2022

7. Appeal to Consider

[UTT/21/1897/FUL \(APP/C1570/W/22/3305506\)](#)

Bury Farm Bury Chase

Proposed erection of 1 no. Dwelling with associated garaging and landscaping.

Comment: Felsted Parish Council wishes to comment on the reasons for refusal and also to separately challenge the dismissal of the Felsted Neighbourhood Plan (FNP) during consideration of the original application as being “out of date” (see below).

Ordinarily, we would not make reference to the Felsted Neighbourhood Plan (FNP) as it was not included as a factor in the original refusal but as the appellant has chosen to reference the FNP on several occasions in their Appeal Statement, dated August 2022 (where they clearly feel that it can be used to support their position) we consider it appropriate to reference the FNP.

Reasons for previous refusal

There are numerous justified reasons for refusal of this application which continue to be relevant (in addition to conflict with the Felsted Neighbourhood Plan, as explained below, which was less than two years old when the application was scheduled for decision). The site is outside of the recognised Village Development Limits (VDL's) in open countryside with the site being part of the former garden of Bury Farm House. In their Heritage Design and Access Statement, the applicant (item - 02.00 The Site) refers to the adjacent grade II barn as being “Within the cluster of buildings forming the farmstead at Bury Farm” but it is important to recognise that the buildings that form this “cluster” are, in the main, conversions of existing and underutilised farm buildings. They are not new developments built in open countryside.*

The applicant (also in item - 02.00 The Site) states that the site is “effectively an infill plot between the donor house and neighbouring equestrian facilities” but the detachment of the site from the former garden of Bury Farm House was created as a matter of choice. In addition, the plot cannot be considered an “infill” as whilst it abuts the Bury Farm garden to the South and the equestrian centre to the East it protrudes into the open countryside forming the grazing areas of the equestrian centre. It is not located “between” the Bury

Farm house and the equestrian centre.

The applicant also (item - 16.00 Conclusion) refers to the plot being an “underused parcel of land”, but this underuse is again, entirely under the control of the land owner (or former land owner). UDC Policy S7 does not support development (outside of VDL’s) saying, “permission will only be given for development that needs to take place there or is appropriate to the rural area”. The proposed development does not “need to take place there”. Indeed, given the significant amount of open countryside in the vicinity of the Bury Farm area, if Policy S7 were to be ignored, it could in future be argued that there could be limitless opportunities for new and inappropriate development in the immediate surrounding area. This is the very nature of “open countryside”.

Declaration that the Felsted Neighbourhood Plan was “out of date”

Felsted Parish Council are concerned that the Felsted Neighbourhood Plan (FNP) was declared to be “out of date” during consideration of the original application when the original application was submitted on 4th June 2021, the Felsted Parish Councils objection was submitted on 18th June 2021 with the application having an anticipated determination deadline of 30th July 2021. Therefore, the FNP was considerably less than 2 years old at the time of the scheduled determination deadline.

With the FNP having been fully “made” by UDC on 25th February 2020, at the time of the original application the FNP was not “out of date” and was the most up to date component of the Statutory Local Development Plan forming a significant material consideration which should have fully justified refusal within the anticipated determination deadline date, due to conflict with Policies within the FNP.

In the opinion of Felsted Parish Council, it was unacceptable to dismiss the FNP as being “out of date” when the Neighbourhood Plan only became “out of date” because of unacceptable delays in making the decision. There were revisions to the application plan, made by the applicant (for elevations, floor plans, block plan and garages) submitted as late as October 2021 (3 months after the scheduled determination deadline) and the final decision date was also inexplicably delayed for almost a year, until 27th June 2022 which unsurprisingly and as a direct consequence, resulted in the FNP being more than two years old.

It cannot be acceptable that a fully Made Neighbourhood Plan, carrying significant material planning weight and representing the most “up to date” component of the Statutory Local Development Plan, should be effectively “timed out” entirely due to unexplained delays when such serious negative consequences result. Allowing such an unacceptable consequence is an affront to Local Democracy.

As pointed out by Felsted Parish Council in their submission to the original application, the applicant made no reference at all to the FNP in their original submission. However, despite the FNP having been (unfairly in our opinion) declared as being “out of date”, the applicant, in their Appeal Statement, dated August 2022 now choses to reference the FNP several times. In many cases they are being selective in their reference of the FNP where it is to their perceived advantage and in some cases there is a clear distortion of facts or a misappropriation of the background to FNP Policies.

An example is item 5.20 (of their Appeal Statement) where they reference paragraph 5.4.59 of the FNP, which they quote, saying that “during the plan period, other development proposals may come forward outside the Village development Limits which would be appropriate despite their countryside location”. They then state “Whilst the proposal does not specifically accord with the limited set of circumstances set out in Policy FEL/HN5, this proposal would nevertheless be appropriate in its setting”. This is a total misrepresentation of the intentions of the FNP (Policy FEL/HN5) which correctly recognises there will always be a potential for some “appropriate” development outside Village Development Limits, but they conveniently dismiss the very specific requirements of the associated Policy FEL/HN5. The “appropriate” developments supported by Policy FEL/HN5 of the FNP are clearly identified as being where such development would demonstrate a benefit for our community. The Policy is clearly not there to be quoted without clarifying the Policy, in an attempt to facilitate an unacceptable “commercial gain”.

One other factor that is relevant is that the appellant chooses to reference the FNP (as they do in their Appeal Statement, dated August 2022) where they continue to refer to “out of date” information which they believe justifies dismissal of the FNP. In their August 2022 Appeal Statement they repeat the “old” April 2021 UDC housing land supply figure of 3.52 years when, in fact, the most recent figure quoted by UDC is 4.89 years (as identified on the agenda of UDC’s Local Plan Leadership Group meeting on 10th November 2022).

The appellant in their appeal statement (item 6.1) in reference to the FNP being (at the time of the applications submission), less than two years old conveniently say “That position had changed by the time the Council determined the application a year later”. If this “changed position” argument is to be considered acceptable, then the same argument should apply to their reference to UDC’s outdated (April 2021) housing land supply figure of 3.52 years, as “that position has changed” and it is now 4.89 years.

The comment (in item 6.1), that “that position had changed” are those of the applicant so it should also be recognised that as quoted in the agenda of UDC’s Local Plan Leadership Group meeting on 10th November 2022, “that position has changed” with UDC being able to demonstrate a 4.89 Year Housing Land Supply, which leaves a negligible and vanishingly small deficit of 0.11 years. On that basis the FNP becomes a far more significant factor in this Appeal reassessment as the elevation of the FNP’s weight should be far more significant when UDC only have a 0.11 year deficit on their 5 year housing land supply.

The means that in real terms, UDC are currently just 2 days short of a 5 Year (1825 days) objective and to dismiss the fully “made” Felsted Neighbourhood Plan (which includes Policies that this application conflicts with), when they are actually now only 0.11 years (or 2 days) short, would be unacceptable when there are numerous planning reasons why this application should be refused.

The agenda for the Local Plan Leadership Group meeting dated 10th November 2022 confirming UDC’s current 4.89 Year Housing Land Supply is available below:

See Item 5 Page 78:

<file:///C:/Users/Richard3/AppData/Roaming/Microsoft/Windows/Network%20Shortcuts/Public%20reports%20pack%2010112022%201930%20Local%20Plan%20Leadership%20Group.pdf>

The applicant cannot have it both ways. Continuing to quote “out of date” figures for UDC’s housing land supply, the applicant is selectively choosing the facts that suit their case and this cannot be acceptable.

If only “later” material matters are to be taken into consideration (i.e. the FNP was now “out of date”), then similarly, recently emerged and updated 5 year housing land data (of 4.89 years) must also be taken into account.

Cllr Ramm left the meeting at this point.

8. Draft Local Plans - Uttlesford DC, Braintree DC

The Committee discussed the Parish Survey for the Local Plan and will communicate any feedback for the survey to the Assistant Clerk by the deadline.

9. Other Urgent Planning Business and Future Dates

Next Meeting is 17th January 2023

..... 17th January 2023 Chairman

Residents wishing to make comments on Planning Applications or view other comments submitted can go to the Uttlesford District Council Website: <https://publicaccess.uttlesford.gov.uk/online-applications> To find out more about Appeals please go to the Planning Inspectorate Website: <https://acp.planninginspectorate.gov.uk>