

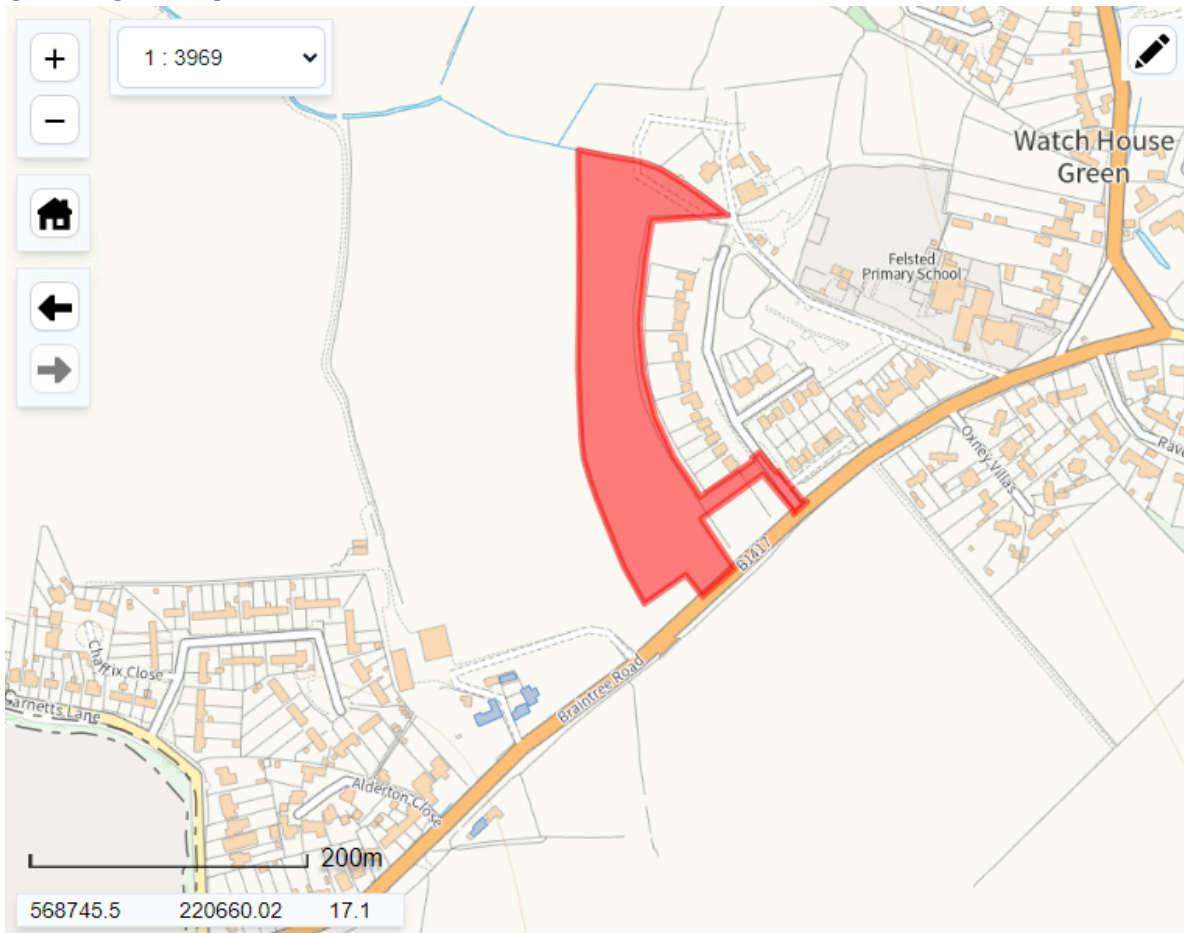
**ITEM NUMBER:** 4

**PLANNING COMMITTEE DATE:** 08 July 2026

**REFERENCE NUMBER:** UTT/25/3242/FUL

**LOCATION:** Land At Sunnybrook Farm  
Braintree Road  
Felsted  
Essex

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: June 2026

**PROPOSAL:** Erection of 17 no. dwellings with access, landscaping and associated infrastructure.

**APPLICANT:** Troy Homes Ltd, Hillrise Homes Ltd, Sunnybrook Developments Ltd (P M Marshall, S C Cioni, D E Cowlin)

**AGENT:** Ceres Property Ltd (J Firth / L Dudley-Smith / D Toffanello)

**EXPIRY DATE:** 10 December 2025

**EOT EXPIRY DATE:** 15 June 2026

**CASE OFFICER:** Mr Avgerinos Vlachos (Principal Planning Officer)

**NOTATION:** Open Countryside (Local Plan).  
Outside Development Limits (Neighbourhood Plan).  
Article 4.  
Road Classification (Braintree Road – B1417).  
Public Right of Way (Footpath – North).  
Essex Coast RAMS.  
Setting of Listed Building (Outbuilding 5 Metres to North East of Chaffix and the Granary – Grade II).  
Setting of Listed Building (Chaffix Barn 20 Metres to East of House – Grade II).  
Setting of Listed Building (The Granary to East of Chaffix – Grade II).  
Setting of Listed Building (Chaffix – Grade II).  
Setting of Listed Building (Buckcroft – Grade II).

**REASON THIS APPLICATION IS ON THE AGENDA:** Major application.

---

## **1. EXECUTIVE SUMMARY**

**1.1** This is a full planning application for the erection of 17 dwellings with access, landscaping and associated infrastructure. Affordable housing is not proposed.

**1.2** The proposal would contribute to the housing land supply in the context of a marginal shortfall and the site would offer some limited locational sustainability. These benefits weigh in favour of the scheme. However, as the site is in the Open Countryside, it would not be in a suitable location

for housing having regard to the spatial strategy and settlement hierarchy of the Development Plan, contrary to Core Policy 3, Development Policy 1 of the Local Plan, and policy FEL/HN5 of the Felsted Neighbourhood Plan. These policy conflicts attract significant-to-substantial weight. The scheme would significantly harm the character and appearance of the countryside through the coalescence between Felsted and Watch House Green (and the subsequent erosion of their individual identities and established settlement pattern) and through the loss of the countryside's intrinsic character and beauty, in conflict with Core Policy 41 of the Local Plan, policy FEL/ICH4 of the Felsted Neighbourhood Plan, and paragraph 187(b) of the NPPF.

**1.3** The proposal, by reason of its layout and design approach, would not secure a well-designed place (paragraphs 11d(ii), 139 of the NPPF) as it would not be visually attractive as a result of good layout, nor sympathetic to its surrounding built environment, and it would not establish a strong sense of place using the arrangement of streets & spaces to create an attractive and welcoming place to live (paragraph 135). These policy conflict weigh substantially against the proposal.

**1.4** Also, the scheme would not provide affordable housing (or justification for exceptional circumstances) or an appropriate housing mix in the interests of meeting housing need and creating socially mixed, vibrant and inclusive communities, and has failed to provide a mechanism to secure the Essex Coast RAMS tariff and planning obligations. The rest of the planning considerations, including residential amenities and highway safety, would be acceptable.

**1.5** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposals would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, contrary to paragraph 11(d)(ii) of the NPPF.

**2. RECOMMENDATION**

That the Strategic Director of Planning be authorised to <b>REFUSE</b> permission for the reasons set out in Section 17.
--

**3. SITE LOCATION AND DESCRIPTION:**

**3.1** The application site comprises an open undeveloped land on the north side of Braintree Road (B1417) located at the western edge of the hamlet of Watch House Green near Felsted. The site borders newly erected dwellings to the east and shares the vehicular access and part of the access drive with that development. The site consists of grassland, as well as trees and scrub to the eastern and western boundaries and it

slopes gently with an overall level difference of 4 metres from south to north on a flat terrain. A public footpath (public right of way) runs adjacent to the northern boundary of the site. The site is part of the intervening countryside between the settlements of Watch House Green and Felsted, not far from Grade II listed buildings at the eastern edge of Felsted. The site is Open Countryside for the purposes of the Local Plan and countryside (outside development limits) for the purposes of the Neighbourhood Plan and it also falls within the Essex Coast RAMS Zone of Influence. A primary school and a bus stop are near the site access. The pattern of development in the area is predominantly linear. The overall area contains a distinct countryside character with open and verdant qualities and dwellings of varying architectural styles, sizes, ages and materials.

#### **4. PROPOSAL**

**4.1** This is a full planning application for the erection of 17 dwellings with access, landscaping and associated infrastructure. Affordable housing is not proposed.

**4.2** The application includes the following documents:

- Application form
- Biodiversity checklist
- Arboricultural report
- Archaeological desk-based assessment
- Covering letter and drawings schedule
- Design and access statement – part 1
- Design and access statement – part 2
- Design and access statement – part 3
- Design and access statement – part 4
- Design and access statement – part 5
- Design and access statement – part 6
- Ecological impact assessment
- Landscape and visual appraisal
- Letter regarding financial viability assessment
- Planning Statement
- Superseded flood risk assessment
- Superseded plot schedule
- Superseded transport statement
- Uttlesford design code compliance
- Habitats survey to support BNG baseline
- Superseded BNG metric calculation tool
- Agent planning note
- Covering letter with revisions
- Revised flood risk assessment
- Revised plot schedule
- Revised transport statement
- Supplementary design statement
- Revised BNG condition assessment sheets

- Revised BNG metric
- Supporting information
- Countersigned Great Crested Newt IACPC.

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## 6. **RELEVANT SITE HISTORY**

6.1

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/25/0694/PA	Residential-led scheme of circa 17 dwellings and associated development.	Closed (21.08.2025).
UTT/23/1412/FUL (Shared Access with this Scheme)	S73 application to vary condition 2 (approved plans) of UTT/23/0364/NMA following approval of UTT/20/1882/FUL (Construction of 24 no. dwellings and school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping).	Approved with conditions (15.12.2023).
UTT/23/0364/NMA (Shared Access with this Scheme)	Non-material amendment to UTT/20/1882/FUL – Additional condition stating 'The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and drawing number detailed below submitted therewith. unless the local planning authority otherwise agrees in writing'.	Approved (10.03.2023).
UTT/20/1882/FUL (Shared Access with this Scheme)	Construction of 24 no. dwellings and school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping.	Approved with conditions (19.08.2022).

UTT/13/2942/OP (Southern Part of Site)	Outline application for the erection of up to 13 no. dwellings and related infrastructure with all matters reserved except access (new access from Braintree Road) and creation of extended domestic garden adjacent 'Moritz'.	<b>Appeal dismissed</b> (15.09.2014)
---	--	---

## 7. **PRE-APPLICATION ADVICE AND COMMUNITY CONSULTATION**

7.1 Paragraph 40 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 Pre-application (UTT/25/0694/PA) discussions have been held with officers. The key views expressed by the planning officer are summarised below and refer to the 2005 Local Plan (prior to the Examination of the current Local Plan):

- While the emerging allocation Sunnybrook Farm (Phase 2) offers an in-principle policy basis for development, it currently carries limited weight. The scheme should be built upon the approved Phase 1 layout to deliver a connected high-quality extension to the settlement. Key matters to address include improving connectivity by linking to the Phase 1 road. Early engagement with Planning, Urban Design, and Landscape Officers is strongly recommended to ensure compliance with the Uttlesford District Wide Design Code.
- Felsted Neighbourhood Plan (emerging) – Policy FEL/HN9 allocates Sunnybrook Farm for residential development. The Neighbourhood Plan currently carries limited weight until formal adoption.
- From a policy perspective, the site is supported in principle within the emerging Felsted Neighbourhood Plan (Policy FEL/HN9) and is identified in the emerging Local Plan Reg 19 Draft as part of a wider allocation. However, as these documents are not yet adopted, they currently carry limited weight.
- To mitigate the impact on character and openness, careful design, landscaping, and boundary treatments will be essential to ensure integration with Phase 1 and to achieve a soft rural edge. The site forms a Phase 2 extension to the approved Phase 1 scheme (UTT/20/1882/FUL) for 24 dwellings, and the relationship between the two phases will be an important consideration.
- The proposals will cause harm upon the character and openness of this part of the countryside. A Landscape Visual Impact Assessment (LVIA) should be submitted with any application.
- In accordance with Policy H9, the scheme would be expected to deliver 40% affordable housing unless otherwise justified. If any

element of community land is proposed, further justification should be given on how this offsets the affordable housing requirement.

- From an urban design perspective, the revised layout dated 16<sup>th</sup> July 2025 does not adequately address several fundamental design concerns, including site connectivity, the arrangement of streets and spaces, the treatment of edges and boundaries, and the loss of key open space. These matters will need to be resolved to demonstrate high-quality, landscape-led design that complies with the Design Code and policies.

**7.3** The key views expressed by the Urban Design officer (UTT/25/0694/PA) are summarised below:

- Following our discussion yesterday, the revised drawings sent through do not address many of the issues we raised.
- No consideration of linking into phase 1 road at the north of the site to form a loop that would improve permeability, connectivity and wayfinding.
- No consideration of re-routing the access road to the west of the site, which would allow phase 2 housing to present back garden to the phase 1 back gardens, rather than the present arrangement which is not best practice of fronts facing backs, albeit with a landscape buffer in between (although this buffer is yet to be planted as part of phase 1).
- None of the options adequately addresses concerns over the corner courtyard arrangement (plots 13-17). Option 1-3 are all variations on a theme, with no clear preferred option. Also, none of these options addresses the long-term future of the land held in trust becoming a retail car-park, which could be alleviated by providing a landscape buffer between the trust land and the adjacent houses.
- As suggested previously, re-routing the road to the western edge would allow additional length of road to serve these corner houses, potentially removing the need for a courtyard arrangement.

**7.4** A Statement of Community Involvement was included in the Planning Statement where the applicants stated:

- The applicants have engaged with the wider community, including taking an active role in the preparation of the Neighbourhood Plan Review process (to relocate the village shop and post office).
- Engagement included meetings with the Neighbourhood Plan Working Group and representations to public consultations.
- This enables the applicants to be informed of draft policies and progress the application in accordance with those policies (to be published for Regulation 14).
- Engagement generated wider community interest and support for the proposals.

**7.5** The local planning authority has consulted interested parties in the area, and their comments were considered when determining the application.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Highway Authority**

**8.1.1** No objection subject to conditions (see full response in **Appendix 1**).

**8.2 Lead Local Flood Authority**

**8.2.1** No objection subject to conditions (see full response in **Appendix 2**).

**9. PARISH COUNCIL COMMENTS**

**9.1 Comments from Felsted Parish Council:**

• **Support:**

- Housing mix with more proportion of smaller dwellings.
- Proposed 0.24-hectare land transfer to Felsted Community Trust for community use.
- M4(3) accessible and adaptable dwellings.
- To enable viability, a revision to the original Felsted Neighbourhood Plan Review desired housing mix and a reduction in the number of bungalows became necessary.
- Four 2-bedroom houses and 5 much needed bungalows (including 1 wheelchair accessible bungalow).
- Felsted Neighbourhood Plan review at Regulation 14.
- Neighbourhood Plan delayed due to delays in the Strategic Environmental Assessment.
- Withdrawn government funding for Neighbourhood Plans.
- Support for the application.

**10. CONSULTEE RESPONSES**

**10.1 UDC Environmental Health**

**10.1.1** No objections subject to conditions.

**10.2 UDC Housing**

- 10.2.1**
- The applicant is proposing to provide 0.24 hectares of land to the Felsted Community Land Trust (CLT) in lieu of on-site affordable housing provision.
  - The policy compliant position within Core Policy 56 of the new Local Plan 2021-2041 is for 35% affordable housing to be delivered on-site upon major residential developments. However, in exceptional circumstances, off-site provision or a financial contribution in lieu may be accepted where alternative sites are more appropriate to provide affordable dwellings than the site proposed for development.
  - An independent Financial Viability Assessment (FVA) has concluded that the Sunnybrook Farm site can deliver on-site affordable housing provision for 6 properties.
  - If Members are minded to make an exception to planning policy, there will need to be a mechanism to secure the 0.24 hectares of

land off-site *solely* for the purpose of delivering affordable housing provision.

### 10.3 UDC Urban Design

**10.3.1 Objection** as the fundamental design approach results in an introverted and long, single-sided cul-de-sac with minimal connections to the surrounding housing. This does not align with the overarching principles of the Design Code which is about connected communities, rather than isolated and car-dependent housing. The consultee raised the following concerns:

- The fundamental design approach results in an introverted and long, single-sided cul-de-sac with minimal connections to the surrounding housing. This does not align with the overarching principles of the Design Code which is about connected communities, rather than isolated and car-dependent housing (response 16 April 2026).
- The applicant is in ownership of the adjacent land, according to the site layout drawing, so it is unclear why it is not possible to make a link at the northern part of the site to make the development more connected to its neighbours (response 16 April 2026).
- The proposed layout is essentially a very long cul-de-sac largely disconnected from the rest of the existing settlement to the east. I do not agree with the assertion that the northern road connection ‘would create a car-centric layout where it is not needed.’ An additional shared-surface connection would not encourage more car journeys but would make the development more permeable and connected (response 23 December 2025).
- Additionally, it is unclear why – if this development has full access to the landscaped strip next to the back garden fences of the adjoining development, as is shown in the provided CGIs – this land cannot be used as back gardens for this development instead. As previously suggested, this would allow the more conventional arrangement of back gardens facing back gardens. This unconventional approach of fronts facing backs is less successful and results in the primary outlook of the new homes looking directly at the rear garden fences of the adjacent site (response 16 April 2026).
- The Design Statement sets out precedents for other developments with back gardens onto open countryside. This is not the issue. The issue is fronts of houses facing back garden fences. The examples shown all follow the standard convention of fronts facing fronts (response 16 April 2026).
- The landscaped buffer strip is approximately 10m wide with timber fencing on one side. This is about the depth of a standard garden so cannot be considered to be a “*generous green setting*” as described in the Design Statement (response 16 April 2026).

### 10.4 UDC Conservation

**10.4.1** No comments.

**10.5 Place Services (Ecology)**

10.5.1 No objections subject to conditions and biodiversity net gain.

**10.6 Place Services (Archaeology)**

10.6.1 No objections subject to conditions.

**10.7 Anglian Water**

10.7.1 No objections.

**10.8 Affinity Water**

10.8.1 No objections.

**10.9 Essex Police (Designing Out Crime Office)**

10.9.1 No objections, noting the reference to Secured by Design (SBD) and security within the Design & Access Statement – the consultee was interested in boundary treatments and external lighting.

**10.10 Cadent Gas Ltd**

10.10.1 No objections.

**10.11 ESP Utilities Group Ltd**

10.11.1 ESP may have water, gas and electric assets within the vicinity of the site.

**10.12 National Gas**

10.12.1 No objections.

**10.13 UK Power Networks (Operations) Ltd**

10.13.1 No objections.

**10.14 Essex Infrastructure Officer**

10.14.1 *(pending consultation comments, potentially requiring contributions for waste and libraries)*

**11. REPRESENTATIONS**

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in a local newspaper.

**11.2 Ward members' comments:**

11.2.1 No comments were received.

**11.3 Comments from members of the public:**

**11.3.1 Object:**

- Parish Council nearly completed the Neighbourhood Plan Review.
- 71 new houses needed.
- Pointless to support 2 applications for 87 houses (including this) when the Neighbourhood Plan has not been completed and 71 units are needed over 15 years.
- 41 homes by the same applicant of which none would be affordable (including phase 1).
- Carpark for phase 1 still not open.
- Unsatisfactory explanation for lack of affordable housing and change in housing mix.
- Land transfer concerns.
- Highway improvements and contributions necessary.
- Inappropriate housing mix.
- Inappropriate houses for first time buyers or downsizing.
- Highway safety concerns.
- No community benefits.
- Coalescence with Felsted.
- Lack of housing need.
- Unsold properties locally.
- Overdevelopment of Felsted and surroundings.
- Ecological and biodiversity concerns, including Fritch Way.

**11.4 Comment**

11.4.1 Land ownership, property values and issues around the deliverability of a planning permission are not planning issues. These and other civil matters have not been taken into consideration in this report.

**12. MATERIAL CONSIDERATIONS**

12.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:

- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

**12.3** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

**12.4 The Development Plan**

- 12.4.1** Uttlesford Local Plan 2021-2041 (adopted March 2026)  
 Essex Minerals Local Plan (adopted July 2014)  
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
 Felsted Neighbourhood Plan (made February 2020)  
 Great Dunmow Neighbourhood Plan (made December 2016)  
 Newport, Quendon & Rickling Neighbourhood Plan (made June 2021)  
 Thaxted Neighbourhood Plan (made February 2019)  
 Stebbing Neighbourhood Plan (made July 2022)  
 Saffron Walden Neighbourhood Plan (made October 2022)  
 Ashdon Neighbourhood Plan (made December 2022)  
 Great & Little Chesterford Neighbourhood Plan (made February 2023).

**13. POLICY**

**13.1 National Policies**

**13.1.1** National Planning Policy Framework (2024).

**13.2 Uttlesford Local Plan 2021-2041 (2026)**

<b>13.2.1</b>	Core Policy 1	Addressing Climate Change
	Core Policy 2	Meeting Our Housing Needs
	Core Policy 3	Settlement Hierarchy
	Core Policy 5	Providing Supporting Infrastructure and Services
	Development Policy 1	New Dwellings in the Open Countryside
	Core Policy 22	Net Zero Operational Carbon Development
	Core Policy 23	Overheating
	Core Policy 24	Embodied Carbon
	Core Policy 25	Renewable Energy Infrastructure
	Core Policy 26	Providing for Sustainable Transport and Connectivity
	Core Policy 27	Assessing the Impact of Development on Transport Infrastructure
	Core Policy 28	Active Travel - Walking and Cycling

Core Policy 29	Electric and Low Emission Vehicles
Core Policy 30	Public Rights of Way
Core Policy 31	Parking Standards
Core Policy 33	Managing Waste
Core Policy 34	Water Supply and Protection of Water Resources
Core Policy 35	Watercourse Protection and Enhancement
Core Policy 36	Flood Risk
Core Policy 37	Sustainable Drainage Systems
Core Policy 38	Sites Designated for Biodiversity or Geology
Core Policy 39	Green and Blue Infrastructure
Core Policy 40	Biodiversity and Nature Recovery
Core Policy 41	Landscape Character
Core Policy 42	Pollution and Contamination
Core Policy 43	Air Quality
Core Policy 44	Noise
Core Policy 52	Good Design Outcomes and Process
Development Policy 9	Public Art
Core Policy 53	Standards for New Residential Development
Core Policy 55	Residential Space Standards
Core Policy 56	Affordable Dwellings
Core Policy 58	Custom and Self-Build Housing
Core Policy 61	The Historic Environment
Core Policy 62	Listed Buildings
Core Policy 64	Archaeological Assets
Core Policy 66	Planning for Health and Well-being
Core Policy 67	Open Space, Sport and Recreation
Core Policy 67a	Management of Public Open Space
Core Policy 70	Communications Infrastructure

### 13.3 Neighbourhood Plan

13.3.1 Felsted Neighbourhood Plan was ‘made’ on 25 February 2020. The plan is under revision with its Regulation 14 consultation completed. Its draft policies are currently being reviewed in preparation to submit the plan to the Council for the Regulation 15 consultation. The updated plan and its draft policies (including the allocation of the Sunnybrook Farm II site /application site in policy FELREV/HN9) are at an early stage of plan-making, and therefore they would **not** attract any weight. However, the relevant policies from the ‘made’ plan would attract **significant** weight but not full given the plan is more than 5 years old and does not benefit from the protections of paragraph 14 of the NPPF. The relevant policies from the ‘made’ plan would include:

FEL/HN5	Residential Development Outside Development Limits
FEL/HN7	Housing Mix
FEL/HN8	Habitats Regulations Assessment
FEL/ICH1	High Quality Design
FEL/ICH3	Light Pollution
FEL/ICH4	Avoiding Coalescence
FEL/CW1	Landscape and Countryside Character

FEL/CW3	Footpaths, Bridleways and Cycleways
FEL/CW4	Green Infrastructure
FEL/INF1	Flood Risk
FEL/VA3	Infrastructure Priorities

#### **13.4 Supplementary Planning Document or Guidance**

- 13.4.1** SPD Uttlesford Design Code (2024)  
 SPD Planning Obligations (2026)  
 SPD Essex Coast RAMS (2020)  
 Essex Design Guide  
 ECC's Developers' Guide to Infrastructure Contributions (2026)  
 Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024).

#### **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

- 14.2**
- A) Principle / Character & appearance (Core Policies 2, 3, 26, 27, 28, 41, 52, Development Policy 1, FEL/HN5, FEL/ICH1, FEL/ICH4, FEL/CW1, FEL/CW3, Uttlesford Design Code, Essex Design Guide, NPPF)
  - B) Heritage impacts (Core Policies 52, 61, 62, FEL/ICH1, Uttlesford Design Code, NPPF)
  - C) Climate change & resources (Core Policies 1, 22, 23, 24, 25, 29, 33, 34, 52, FEL/ICH1, Uttlesford Design Code, NPPF)
  - D) Residential amenity & standards / Housing mix (Core Policies 43, 44, 52, 53, 55, 66, FEL/ICH3, FEL/HN7, Uttlesford Design Code, Essex Design Guide, NPPF)
  - E) Access and parking (Core Policies 26, 27, 28, 30, 31, FEL/CW3, parking standards, NPPF)
  - F) Ecology (Core Policies 38, 39, 40, FEL/HN8, FEL/CW4, NPPF)
  - G) Contamination (Core Policies 34, 42, NPPF)
  - H) Archaeology (Core Policy 64, NPPF)
  - I) Flood risk and drainage (Core Policies 5, 36, 37, FEL/CW4, FEL/INF1, NPPF)
  - J) Planning obligations (Local Plan, Neighbourhood Plan, SPD Planning Obligations, ECC's Developers' Guide to Infrastructure Contributions, PPG, NPPF)

**14.3** A) Principle / Character & appearance (Core Policies 2, 3, 26, 27, 28, 41, 52, Development Policy 1, FEL/HN5, FEL/ICH1, FEL/ICH4, FEL/CW1, FEL/CW3, Uttlesford Design Code, Essex Design Guide, NPPF)

**14.3.1** Background:

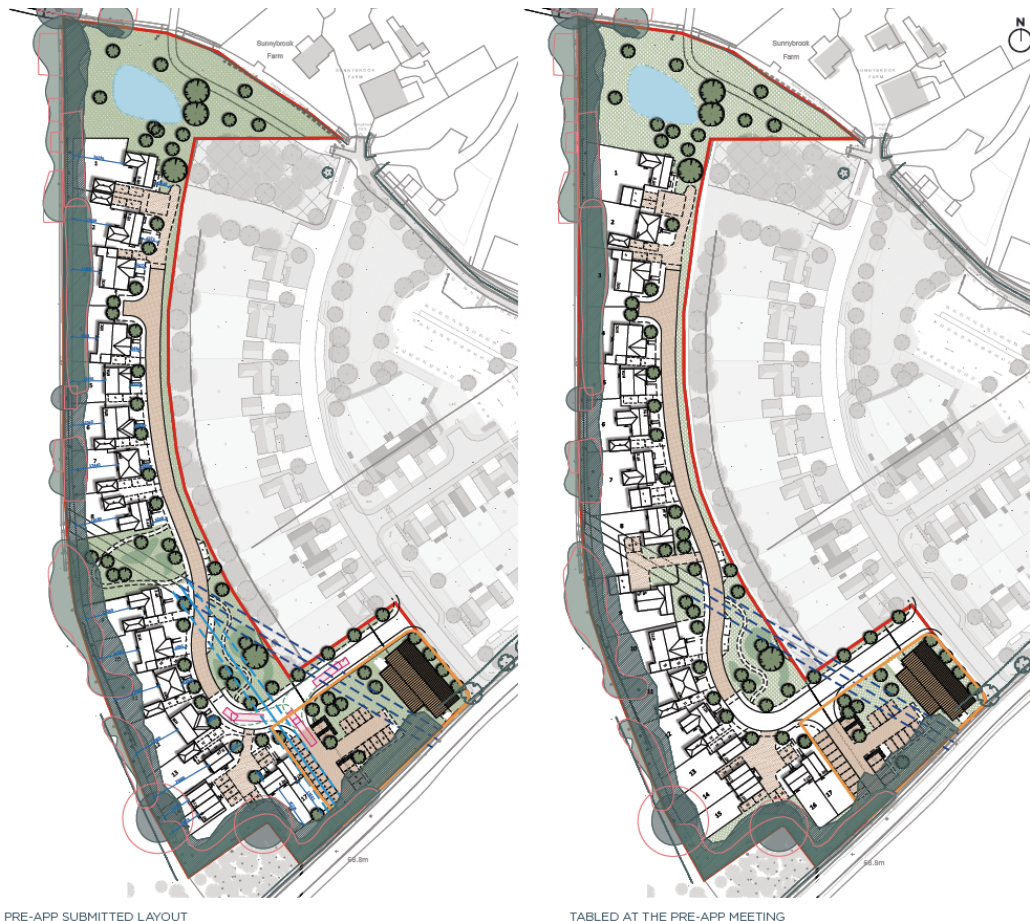
The main part of the site is greenfield, but the access and part of the drive have been constructed on site following approval of the phase 1 scheme (UTT/20/1882/FUL, see image).



**14.3.2** Changes to the design, layout and housing mix were approved through a section 73 permission in UTT/23/1412/FUL (see image).



**14.3.3** Pre-application (UTT/25/0694/PA) discussions with Council officers are summarised in paragraphs 7.2 – 7.3 above (see image).



#### 14.3.4

##### Housing land supply:

The Uttlesford Local Plan 2021-2041 (adopted March 2026, hereafter ‘the Local Plan’) identifies a sufficient supply of housing land to meet the district’s needs in full over the plan period. The local planning authority (LPA) currently demonstrates **4.77 years** of deliverable housing land supply with a 20% buffer as required by the Housing Delivery Test (HDT) – the Examiners confirmed the 4.77 years position is **substantial**. Given it is marginally below the 5-year requirement (even with the 20% buffer applied), the updated assessment will demonstrate that the Council will soon be able to evidence a full 5-year supply. The Government confirmed that the next HDT results will be published during 2026, after which any revised HDT consequences (including a reduction of the buffer from 20 to 5%) will take effect on the following day. In this context, this marginal housing shortfall attracts **limited** weight in the planning balance in favour of the application.

#### 14.3.5

##### Spatial strategy and location:

The Local Plan introduced an up-to-date spatial strategy expressed in Core Policy 2 that makes strategic and non-strategic allocations to meet the district’s housing need and in Core Policy 3 that directs developments in the most sustainable locations based on a settlement hierarchy that was successfully tested at Examination. Policy FEL/HN5 of the Felsted Neighbourhood Plan sets out its spatial strategy for development outside development limits.

- 14.3.6** The application site is not allocated for development within the adopted Local Plan or ‘made’ Neighbourhood Plan and lies within an open gap between the settlements of Felsted and Watch House Green. Policy FELREV/HN9 of the (under review) Neighbourhood Plan allocates the application site (Sunnybrook Farm II) for housing development; however, as the plan and its draft policies are at an early stage of plan-making (after Regulation 14 but before Regulation 15), they would not attract any weight for the current decision, unlike the ‘made’ plan and its policies that attract significant weight now. The proposal would not therefore be supported in principle by policy from the Felsted Neighbourhood Plan – this position may change in due course depending on the updated plan being ‘made’.
- 14.3.7** Core Policy 3 identifies Felsted as a Larger Village where growth will be supported, but the hamlet of Watch House Green forms part of the *Open Countryside*. These settlements are experienced and function as separate places with their own individual character and identity, rather than forming a single continuous built-up area. They should not be treated as interchangeable components of a single settlement, nor as locations where development can freely extend between them. In this context, land between these settlements plays an important role in maintaining their physical and visual separation. The site forms part of this intervening countryside and contributes to the perception of openness between Felsted and Watch House Green and the settlement pattern of the area.
- 14.3.8** As the site is in the Open Countryside in the settlement hierarchy of Core Policy 3, development will not be permitted unless specifically supported by other relevant policies in the Development Plan or national policy. Development Policy 1 provides specific support for new dwellings in the Open Countryside when one or more policy tests apply – none apply here. For Felsted Neighbourhood Plan the site is in the countryside where policy FEL/HN5 provides support for residential development only under specific circumstances – none of which apply here. The scheme would therefore conflict with the spatial strategies of both plans.
- 14.3.9** Accordingly, the scheme would **not** be in a suitable location for housing having regard to the spatial strategy and settlement hierarchy of the Development Plan, contrary to Core Policy 3 and Development Policy 1 of the Local Plan, and policy FEL/HN5 of the Felsted Neighbourhood Plan. These policy conflicts attract **significant-to-substantial** weight against the scheme given the up-to-date nature of the Local Plan.
- 14.3.10** Case law<sup>1</sup> dictates that decision-makers must recognise the importance of consistency in decisions and give reasons if they deviate from them. The Council accepts that consistency is important in maintaining public confidence in the planning system. However, the Local Plan is a *material*

---

<sup>1</sup> *North Wiltshire District Council v Secretary of State for the Environment & Clover* [1993] 65 P&CR 137

*R. (Davison) v Elmbridge Borough Council* [2019] EWHC 1409 (Admin)

*Dunster Properties Ltd v the First Secretary of State & Anor* [2007] EWCA Civ 236.

*change in circumstances* in policy that commands a different approach now, as the up-to-date spatial strategy of the plan justifies a change of position in comparison to the adjacent site (UTT/20/1882/FUL) that relied on the spatial strategy of the 2005 plan.

**14.3.11** Accessibility to services and sustainable travel modes:

Watch House Green offers limited services – the occupants of the units would need to travel to Braintree or Great Dunmow to satisfy their day-to-day needs for food supplies, health, employment and leisure. The nearest bus stop is Felsted Primary School stop (1' walk / 1' cycle / 90 metres) with a regular bus service (routes 16, 331, 333). The nearest supermarket is Co-op Food Great Notley (1h42' walk / 26' cycle / 7.5 km) in Braintree, and the closest primary school is Felsted Primary School (2' walk / 1' cycle / 180 metres). The nearest health centre is Felsted Surgery (15' walk / 4' cycle / 1 km).

**14.3.12** Despite the stricter policies in the Local Plan for the suitability of a location regarding its accessibility to services and sustainable travel modes (see Core Policies 26, 27, 28), the site is located within reasonable proximity to local services and facilities, and that opportunities for walking and cycling exist via the surrounding road network and Public Rights of Way. In this respect, the site would offer some **limited** locational sustainability benefits, in compliance with paragraph 109(e) of the NPPF but without gaining support from paragraph 115(a) of the NPPF that seeks to *prioritise* sustainable transport modes.

**14.3.13** However, the sustainability of the location must be considered alongside the site's position within the Open Countryside and its role in maintaining settlement separation (see 'Character and appearance' section below). In this case, the environmental harm arising from the erosion of the gap between settlements weighs **significantly** against the limited locational benefits. In this context, the limited sustainability in locational terms weighs neutrally to the scheme as it does not in itself make the site suitable for development where it would conflict with the spatial strategy and result in harm to settlement character and separation.

**14.3.14** Character and appearance:

Core Policy 41 of the Local Plan states that proposals will not be permitted if they would, inter alia, cause unacceptable visual intrusion into the Open Countryside, be inconsistent with local character and cause coalescence between settlements. Policy FEL/ICH4 of the Felsted Neighbourhood Plan resists development which would visually significantly diminish the openness of the gaps between Felsted and its hamlets. Code ID1.1C of the Uttlesford Design Code requires proposals to demonstrate a relationship to the local character and identity. Paragraph 187(b) of the NPPF states that decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside.

**14.3.15** The site falls within Landscape Character Area B11: Felsted Farmland Plateau whose key characteristics<sup>2</sup> include an undulating farmland; a historic settlement pattern of dispersed or polyfocal settlements; and an open expansive landscape with views across the farmland to wooded horizons. Key landscape sensitivities<sup>3</sup> include small, scattered woodlands that provide a wooded horizon; an historic pattern of small, linear and polyfocal settlements; and a landscape of open rural character. These are some of the most sensitive elements to change.

**14.3.16** The site makes a positive contribution to the character and openness of the countryside in this location. It forms part of the undeveloped gap between Watch House Green and Felsted and plays an important role in maintaining the physical and visual separation between these distinct settlements, which are experienced as separate places within the rural landscape. This separation is a key characteristic of the local settlement pattern and is readily perceived from public locations, including nearby Public Rights of Way and local roads (see below), where the openness and verdant appearance of the intervening land contributes to the understanding of their individual identity and the perception of separation between these settlements.

**14.3.17** The development of 17 dwellings would introduce significant built form into this undeveloped site which would erode this perception of separation between the settlements by shrinking the gap and the openness of the intervening landscape – this would undermine the established settlement pattern. The scheme would extend the built form of Watch House Green westwards into the countryside and would result in significant physical and visual coalescence when experienced from nearby public vantage points, including footpath 12 or the shared access with the adjacent houses (see images).



**14.3.18** It is acknowledged that the site benefits from existing boundary vegetation and that additional planting and landscape buffers would be provided,

<sup>2</sup> Uttlesford Landscape Character Assessment (ULCA, 2023), pp.215 – 217.

<sup>3</sup> Ibid., p.220.

which over time may provide further visual containment. However, such measures would not overcome the fundamental change in the character of the site (from undeveloped countryside to built environment that would lose its intrinsic rural character and beauty), nor the fundamental change in the spatial relationship between the settlements – the perception of separation between them would be diminished and their distinct identities materially weakened. The resulting coalescence would be inherent to the scheme and cannot be mitigated through enhanced landscaping.

**14.3.19** Whilst the submitted Landscape and Visual Appraisal (LVA) indicates that landscape and visual effects would be largely localised and low<sup>4</sup>, this cannot diminish the significance of the scheme's impact on the immediate landscape context between Watch House Green and Felsted, where the site plays a clear role in maintaining settlement separation and identities.

**14.3.20** Accordingly, the proposal would **significantly** harm the character and appearance of the countryside through the physical and visual coalescence between settlements (and the subsequent erosion of their individual identities and established settlement pattern) and through the loss of the countryside's intrinsic character and beauty. The proposal would conflict with Core Policy 41 of the Local Plan, policy FEL/ICH4 of the Felsted Neighbourhood Plan, code ID1.1C of the Uttlesford Design Code, and paragraph 187(b) of the NPPF.

**14.3.21** Design and layout:  
Paragraph 135 of the NPPF requires development to be visually attractive, sympathetic to local character, and establish a strong sense of place. Core Policy 52 of the Local Plan similarly requires development to demonstrate a clear understanding of context and to deliver well-designed places with an attractive and distinctive identity. Policy FEL/ICH1 of the Felsted Neighbourhood Plan supports locally distinctive development through, amongst other things, its layout. Code C1.1C of the Uttlesford Design Code states that developments must demonstrate an understanding of its key contextual features, such as the layout of streets and buildings.

**14.3.22** The Council's Urban Design officer reported that the fundamental design approach would result in an *introverted and long cul-de-sac* with minimal integration to its surroundings. A link at the northern end of the site would have connected the scheme to the adjacent houses and increased the public's reach to the northern public open space – this was necessary as M1.3C of the Uttlesford Design Code requires developments to contribute to the legibility and permeability of the streets. The application maintains that the adjacent land does not belong to the applicants, even though that it is included in the blue line on the drawings and that relevant evidence has not been presented when requested by the Council.

---

<sup>4</sup> Landscape and Visual Appraisal, p.36; see also Design and Access Statement, p.20.

- 14.3.23** Also, the layout would be unconventional with the house frontages facing the fences of the back gardens of the new houses to the east (see CGI) – instead, a back-to-back layout would have created a visually attractive scheme that would be sympathetic to its surrounding built environment and establish a strong sense of place (using the arrangement of streets & spaces) to create an attractive and welcoming place to live (as required by paragraph 135). Despite calls at pre-app and application stages, the applicants did not resolve the issues. Another example of the problematic relationship with the nearby houses is the lack of active frontage on the upper floor of plot 2 that faces the open space to the adjacent scheme.



- 14.3.24** Accordingly, the proposal, by reason of its layout and design approach, would not secure a well-designed place (see paragraphs 11d(ii), 139 of the NPPF) as it would not be visually attractive as a result of good layout, nor sympathetic to its surrounding built environment, and it would not establish a strong sense of place using the arrangement of streets & spaces to create an attractive and welcoming place to live (see paragraph 135). The proposal would conflict with Core Policy 52 of the Local Plan, policy FEL/ICH1 of the Felsted Neighbourhood Plan, codes M1.3C, C1.1C of the Uttlesford Design Code, and paragraphs 135(a)-(d), 139 of the NPPF. Paragraph 139 of the NPPF is explicit that development that is not well-designed should be *refused*, taking into account design codes.

- 14.3.25** The conflict with paragraphs 135, 139 would attract **substantial** weight as they are in Footnote 9 of paragraph 11(d)(ii) of the NPPF being some of the few policies on which decision-makers must have particular regard to securing well-designed places when applying the presumption in favour of sustainable development. The rest of the policy conflicts should be assigned **significant** weight given the emphasis at local and national level to good design and layout.

- 14.3.26** Other matters:  
The site is not previously developed land and would not gain support from paragraphs 124, 125 of the NPPF. The site is Grade 2 ('Very Good' quality) agricultural land – the conflict with paragraph 187(b) of the NPPF would be **limited** given the abundance of best and most versatile land in the district. The proposal would make a **limited** contribution to the local economy and to the social life of Watch House Green or nearby villages and help support their services, in accordance with paragraph 83 of the

NPPF. Technical consultees raised **no objections** (Cadent Gas, ESP Electricity, Essex Police, National Gas, UK Power Networks) – these matters are neutral to the application.

**14.4 B) Heritage impacts & balances (Core Policies 52, 61, 62, FEL/ICH1, Uttlesford Design Code, NPPF)**

**14.4.1** The nearest heritage assets are Grade II listed buildings<sup>5</sup> at a distance from the site that does not contribute to their significance. The proposal, by reason of its distance, would preserve the setting of the listed buildings, without causing ‘less than substantial harm’ to the significance of the assets, in compliance with Core Policies 61, 62 of the Local Plan, and paragraphs 213, 215 of the NPPF. The Council’s Conservation officer did not comment. In the absence of harm, the heritage balance of paragraph 215 would not be required. The application of policies in the NPPF (i.e. paragraphs 213, 215) that protect areas or assets of particular importance (i.e. the listed buildings) would **not** provide a strong reason for refusing the development proposed, as per paragraph 11(d)(i) of the NPPF. The Council complied with its legal duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**14.5 C) Climate change & resources (Core Policies 1, 22, 23, 24, 25, 29, 33, 34, 52, FEL/ICH1, Uttlesford Design Code, NPPF)**

**14.5.1** The Local Plan sets ambitious goals to tackle climate change, with Core Policy 1 requiring schemes to show in a Climate Change & Sustainability Statement (CCSS) how they will mitigate, adapt and be resilient to the impacts of climate change and support the overall reduction in greenhouse gas emissions through various measures (depending on the size / type of development). Core Policy 22 requires an Energy Statement for all new dwellings to be built to be Net Zero Carbon in operation. They must be ultra-low energy buildings, fossil fuel free, and generate renewable energy on-site to at least equal annual energy use. Core Policy 23 requires all developments to demonstrate how the cooling hierarchy has been integrated into design decisions via the CCSS. Core Policy 24 requires schemes to demonstrate measures to reduce embodied carbon content as far as possible.

**14.5.2** A CCSS or Energy Statement were not provided, but they were not validation requirements when the application was submitted. The scheme proposes<sup>6</sup> solar panels, air source heat pumps & a fabric first approach. However, to ensure full policy compliance, conditions would be necessary to meet these policy requirements (if the scheme were acceptable). The proposal, subject to conditions, would comply with Core Policies 1, 22, 23, 24, 25 of the Local Plan, which would be afforded **limited** weight in its favour.

---

<sup>5</sup> Outbuilding 5 Metres to North East of Chaffix and the Granary; Chaffix Barn 20 Metres to East of House; The Granary to East of Chaffix; Chaffix; Buckcroft.

<sup>6</sup> Design and Access Statement, p.40.

**14.5.3** Core Policy 34 seeks to preserve water supply, boost water efficiency at a standard of 90 litres per person per day and provide water recycling. A condition would be necessary to achieve this water efficiency level for each dwelling (if the scheme were acceptable). Affinity Water raised **no objections** and reported that being within a water stressed area, the development should include water efficient fixtures and fittings. Anglian Water raised **no objections** and confirmed they own assets on the site and the water recycling centre and foul sewerage network have capacity to accommodate the dwellings. If the scheme were acceptable, conditions would be necessary for water efficiency (rainwater harvesting and grey water recycling as per Core Policy 34) and for electric vehicle chargers (as per Core Policy 29 and the latest parking standards).

**14.6 D) Residential amenity & standards / Housing mix (Core Policies 43, 44, 52, 53, 55, 66, FEL/ICH3, FEL/HN7, Uttlesford Design Code, Essex Design Guide, NPPF)**

**14.6.1** Residential amenity and standards:

The proposed dwellings would have occupancies and gross internal areas that would meet minimum standards<sup>7</sup> and comply with Core Policy 55 (see Table). They would provide appropriate levels of amenity space for their occupants and would not reduce garden space to any neighbouring properties. Turning to inclusivity, Core Policy 53 of the Local Plan expects all residential schemes to be 100% M4(2) compliant and all major schemes to demonstrate 5% of market homes are M4(3)(a) compliant (wheelchair adaptable) and 10% of affordable homes are M4(3)(b) compliant (wheelchair accessible) – one M4(3) property is proposed as no affordable housing is proposed; full compliance can be secured via planning obligations.

Plots	Floors	Beds / Persons Occupancies	Min. GIA (sqm)	GF GIA (sqm)
1	2	4B7P	115	85.9
2	2	4B7P	115	88.4
3	1	3B6P	95	111.6
4	1	3B6P	95	111.6
5	1	2B4P	70	98.1
6	2	4B7P	115	90.5
7	2	4B7P	115	80.9
8	1	3B5P	86	120.2
9	1	3B5P	86	122.6
10	2	4B6P	106	70.5
11	2	2B4P	79	48.6
12	2	2B4P	79	48.6
13	2	2B4P	79	48.6
14	2	4B7P	115	88.4
15	2	4B7P	115	80.9
16	2	3B5P	93	67.8
17	2	3B5P	93	67.8

<sup>7</sup> See Technical Housing Standards – Nationally Described Space Standard.

**14.6.2** In terms of noise, odours, dust, vibrations, light pollution and other disturbances, Environmental Health raised **no objections** subject to conditions to safeguard residential amenities.

**14.6.3** Due to the scale, design and position of the dwellings in relation to the neighbouring dwellings and with each other, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, no material overshadowing, overlooking (actual or perceived) and overbearing effects would be considered:

- Potential overlooking and loss of privacy:

There are no upper floor windows of habitable rooms that would overlook or create the perception of overlooking to any proposed or existing houses, plus the distance to the new houses to the east is significant. The scheme would not invade the privacy of any neighbouring gardens or windows, safeguarding the amenity of future and current occupants.

- Potential overshadowing and loss of light:

Due to the size, scale and position of the buildings in relation to the neighbouring boundaries, no material overshadowing of, and loss of light to, any private gardens or habitable room windows would occur.

- Potential overbearing effects:

Given the gaps in relation to the neighbouring boundaries, no overbearing impacts ('tunnelling effect' or 'sense of enclosure') would occur.

**14.6.4** Housing mix:

Core Policy 53 expects major developments to provide a mix of homes to meet current and future requirements in the interests of meeting housing need and creating socially mixed, vibrant and inclusive communities. This should have regard to the most up-to-date Local Housing Needs Assessment (LHNA) unless an alternative approach can be demonstrated to be more appropriate – see housing mix targets in Table.

	Number of bedrooms			
	1	2	3	4+
Market Housing	25%		45%	30%
Affordable Home Ownership	20%	45%	35%	
Affordable Housing (Rented)				
- General Needs	25%	30%	35%	10%
- Older Persons	40%		60%	

**14.6.5** The proposed housing mix for market dwellings (see Table) would conflict with Core Policy 53 of the Local Plan, code U1.5C of the Uttlesford Design Code and paragraph 61 of the NPPF; the housing mix could have been 4 2-beds (24%), 8 3-beds (47%) and 5 4-beds (29%) that would be much closer to the LHNA targets and the applicants did not provide an evidence-backed justification for non-compliance. The proposed 2/3-beds suitable for young families would satisfy FEL/HN7 of the Felsted Neighbourhood Plan.

	Beds	Plot No.	Total	
			No.	%
Af	1	-	0	0
	2	-	0	0

	<b>3</b>	-	0	0
	<b>4+</b>	-	0	0
	<b>Total</b>	-	<b>0</b>	<b>0</b>
<b>Market</b>	<b>1</b>	-	0	0
	<b>2</b>	5, 11, 12, 13	4	24
	<b>3</b>	3, 4, 8, 9, 16, 17	6	35
	<b>4+</b>	1, 2, 6, 7, 10, 14, 15	7	41
	<b>Total</b>	-	<b>17</b>	<b>100</b>

#### 14.7 **E) Access and parking (Core Policies 26, 27, 28, 30, 31, FEL/CW3, parking standards, NPPF)**

**14.7.1** The Highway Authority raised **no objections** subject to conditions. The development would accord with Core Policies 26, 27, 28, 30 of the Local Plan, paragraphs 115(b), 116 of the NPPF, and the ECC Supplementary Guidance – Development Management Policies (2011). The conditions recommended involve improvements to the pedestrian network (including to public footpath 12 with an all-weather route to the school, and to bus infrastructure). The response from the Highway Authority confirms that the development is acceptable in terms of highway safety for all highway users and not detrimental to the capacity of the highway network.

**14.7.2** Parking standards require 2 spaces for 2/3-beds and 3 spaces for 4-beds. Parking arrangements, including covered spaces, would meet the parking provision requirements in terms of their numbers and bay sizes for each dwelling and visitors' parking (5 visitors' spaces = 0.25 x 17 dwellings). Revisions were made to omit triple tandem parking. Turning areas for emergency vehicles, refuse lorries and delivery vans would be provided. The scheme would accord with the Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024) and Core Policy 31 of the Local Plan.

#### 14.8 **F) Ecology (Core Policies 38, 39, 40, FEL/HN8, FEL/CW4, NPPF)**

##### **14.8.1** Protected species:

Place Services Ecology raised **no objections** subject to conditions to secure biodiversity mitigation & enhancement measures and biodiversity net gain. The development would comply with paragraphs 44, 187(d) and 193 of the NPPF, and Core Policies 38, 40 of the Local Plan. This provides certainty for the Council of the likely impacts on protected, priority and threatened species and habitats in conformity of its legal duties.

##### **14.8.2** Biodiversity Net Gain (BNG):

BNG is a statutory requirement of Schedule 7A of the Town and Country Planning Act 1990; paragraph 13 states that every permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless (a) a biodiversity gain plan (BGP) has been submitted to the planning authority, and (b) the LPA has approved the plan. A separate

type of application (known as 'DISBGP') would be required to discharge the statutory condition. The Application form confirmed that BNG applies and Place Services Ecology that sufficient BNG information was provided at application stage. A BGP must be submitted before commencing the development with a DISBGP application. On post-intervention values, Place Services Ecology made suggestions for the applicants' attention. Core Policy 40 of the Local Plan requires a minimum of 20% BNG, above the 10% required by Schedule 7A; the DISBGP application should deliver the higher BNG target to ensure policy compliance.

#### **14.8.3** Essex Coast RAMS:

The site is within the Zone of Influence for the Essex Coast Recreational Avoidance & Mitigation Strategy (RAMS). Following Natural England's advice to ensure compliance with The Conservation of Habitats & Species Regulations 2017, a financial contribution of £175.55 per unit (2026/27 tariff) must be secured by planning obligation and be delivered prior to occupation. This tariff will mitigate recreational pressure on designated Habitats Sites<sup>8</sup> along the Essex Coast associated with residential development – in the absence of payment or a mechanism to secure the delivery of the tariff, the scheme would **conflict** with Core Policy 38 of the Local Plan, paragraphs 187(b) (inasmuch as it refers to natural capital), 193(a), 194 of the NPPF, policy FEL/HN8 of the Felsted Neighbourhood Plan, and the SPD Essex Coast RAMS.

#### **14.8.4** Hatfield Forest Mitigation Strategy:

The site is **not** within the 11.1 km Zone of Influence for the Hatfield Forest SSSI / NNR<sup>9</sup>, and therefore a tariff of £1,333.60 per new dwelling would not be required for the delivery of funded Strategic Access Management Measures (SAMM) that would mitigate recreational pressure at the forest as part of the Hatfield Forest Mitigation Strategy (2025). Compliance with Core Policy 38 (part vi) of the Local Plan, paragraphs 187(b) (inasmuch as it refers to natural capital), 193(b) of the NPPF, and policy FEL/HN8 of the Felsted Neighbourhood Plan would not be necessary.

### **14.9** **G) Contamination (Core Policies 34, 42, NPPF)**

**14.9.1** Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with Core Policies 34, 42 of the Local Plan, and the NPPF.

### **14.10** **H) Archaeology (Core Policy 64, NPPF)**

**14.10.1** Place Services Archaeology raised **no objections** subject to conditions to preserve potential archaeological remains. The scheme would comply with Core Policy 64 of the Local Plan, and paragraph 218 of the NPPF. The consultee reported that the site is within an area of archaeological potential for pre-historic remains.

---

<sup>8</sup> Including Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites.

<sup>9</sup> Hatfield Forest Site of Special Scientific Interest and National Nature Reserve.

**14.11 I) Flood risk and drainage (Core Policies 5, 36, 37, FEL/CW4, FEL/INF1, NPPF)**

**14.11.1** Although the site falls within Flood Zone 1, paragraph 181 of the NPPF requires a site-specific Flood Risk Assessment (FRA) with all proposals in Flood Zone 1 involving sites of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. A FRA was submitted and the Lead Local Flood Authority (LLFA) raised **no objections** subject to conditions. The Environment Agency was not consulted. Considering the above, the application demonstrated that the scheme would not increase flood risk on the site or elsewhere and that the operation of SUDS would be effective over the lifetime of the development. The development would comply with Core Policies 36, 37 of the Local Plan, policies FEL/INF1, FEL/CW4 of the Felsted Neighbourhood Plan, and paragraphs 181, 182 of the NPPF.

**14.12 J) Planning obligations (Local Plan, Neighbourhood Plan, SPD Planning Obligations, ECC's Developers' Guide to Infrastructure Contributions, PPG, NPPF)**

**14.12.1** Paragraph 58 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This relates to Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

**14.12.2** Affordable housing:

Core Policy 56 states that major development should provide 35% of the total dwellings as affordable ones that should be delivered on-site apart from exceptional circumstances, where off-site provision or a financial contribution in lieu may be accepted where alternative sites are more appropriate to provide affordable dwellings than the site of the proposed development. This flexible approach reflects paragraph 64 of the NPPF, which states that where a need for affordable housing is identified, policies should specify the type of affordable housing required, and expect it to be met on-site unless (a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and (b) the agreed approach contributes to the objective of creating mixed and balanced communities. The Local Plan target would therefore require 6 affordable dwellings on-site from this scheme.

**14.12.3** The applicants suggest "*this provision could not be viably achieved on the site*"<sup>10</sup> due to abnormal construction costs and comparatively high benchmark land value<sup>11</sup>. They propose, in lieu of affordable units on-site, land for community use to be transferred to the Felsted Community Land Trust "*in accordance with the intentions of the emerging Neighbourhood Plan*"<sup>12</sup>. Initially, the applicants supported "*the scheme generates a*

---

<sup>10</sup> Planning Statement, paragraph 4.34.

<sup>11</sup> Letter Regarding Preliminary Financial Viability Assessment (24 November 2025).

<sup>12</sup> Planning Statement, paragraph 4.35.

*financial surplus, and it would therefore be appropriate to consider an off-site contribution in lieu of on-site provision*<sup>13</sup>. This position changed in the submitted Financial Viability Assessment (FVA) that concluded that *“the development cannot support affordable housing at this time”*<sup>14</sup> and no financial contribution in lieu of the units is proposed.

**14.12.4** The application *accepts* the land transfer in lieu of on-site affordable housing delivery *“is technically contrary to local planning policy”*<sup>15</sup>.

**14.12.5** The FVA was independently tested by the Council’s consultants, who concluded that a viable scheme can deliver 6 affordable homes on site, as the residual land value equals the benchmark land value<sup>16</sup>. Therefore, the scheme would conflict with Core Policy 56 of the Local Plan and paragraphs 61, 63 of the NPPF because exceptional circumstances to avoid on-site delivery of affordable units have **not** been demonstrated – this weighs **substantially** against the scheme as it would not contribute to the objective of creating mixed and balanced communities (as required by paragraph 64 of the NPPF) and because paragraph 11(d)(ii) of the NPPF instructs decision-makers to have particular regard to providing affordable homes when applying the planning balance. The absence of affordable housing on site would also conflict with the SPD Planning Obligations.

**14.12.6** Even if exceptional circumstances were to be accepted (which is not the case here), the proposed land transfer to the Felsted Community Land Trust would not be CIL-compliant and conflict with paragraph 58 of the NPPF. The land in question is outside the application site and there is no certainty that it will be used for off-site provision of affordable houses. Felsted Parish Council in their representation stated that the land will be for ‘community use’ and the applicants that the Parish’s intention was to relocate the village shop and post office on this land. The Council’s Housing officer reported that the scheme is not policy compliant (Core Policy 56) and an exception to policy would require a mechanism to secure the land solely for off-site delivery of affordable units. However, such mechanism is not possible for the reasons above.

**14.12.7** Highways:  
The Highway Authority did not require obligations – the suggested improvements can be conditioned.

**14.12.8** Waste and libraries:  
*(pending response from Essex County Council).*

**14.12.9** Open space:

---

<sup>13</sup> Ibid.

<sup>14</sup> Financial Viability Assessment (Arebray Development Consultancy, 17 February 2026), paragraphs 1.8, 14.4.

<sup>15</sup> Planning Statement, paragraph 6.23.

<sup>16</sup> Financial Viability Assessment (Pathfinder Development Consultants, 03 April 2026), p.2.

Core Policy 67 requires all major residential developments to maximise opportunities to incorporate new publicly accessible, high quality and multi-functional open space (minimum standards, see Appendix 17 of the Local Plan) and on-site wherever possible. Core Policy 67a provides a preferred hierarchy of management bodies and requires a maintenance and management strategy along with a commuted sum equal to 30 years management from the development to the Council. The scheme proposes 2 open spaces (northern and southern POS). The scheme would accord with these policies subject to a planning obligation.

**14.12.10** Biodiversity Net Gain:

The maintenance and monitoring of significant on-site BNG for 30 years will be required to ensure compliance with Schedule 7A (Biodiversity Gain in England) of the Town & Country Planning Act 1990. The matter may be conditioned subject to consultation with Place Services Ecology and legal officers – alternatively, a planning obligation will be required.

**14.12.11** Public art:

ECC's Developers' Guide to Infrastructure Contributions states that to secure funding for public art, the LPA should produce a long-term policy which identifies where, when, how and why public art will be delivered as part of specific development sites. Development Policy 9 of the Local Plan expects all major development to contribute to a public art fund to be used to deliver public art projects located on or off site. Any public art proposals must make a significant contribution towards the appearance of the scheme, the character of the area, and provide benefits for the local community. No specific details have been submitted (as this was not a validation requirement at the time of submission), but a contribution to the public art fund or on-site delivery must be secured as an obligation.

**14.12.12** Heads of Terms (HoTs):

Considering the above, the following obligations would be necessary (if the scheme were acceptable), in accordance with the SPD Planning Obligations, ECC's Developers' Guide to Infrastructure Contributions, the SPD Developers' Contributions, the Local Plan, the Planning Practice Guidance, and the NPPF:

- a) Provision of 6 affordable houses (35.3%).
- b) Provision of accessible and adaptable dwellings:
  - a. 5% of market homes to be M4(3)(a) compliant
  - b. 10% of affordable homes to be M4(3)(b) compliant.
- c) Provision and on-going maintenance and management strategy for 30 years of public open space (northern and southern POS).
- d) Maintenance and monitoring of significant on-site Biodiversity Net Gain for 30 years.
- e) Contribution for waste.
- f) Contribution for libraries.
- g) Contribution to the public art fund or on-site delivery of public art.
- h) Payment of the Council's legal costs.
- i) Payment of monitoring fees.

**14.12.13** A legal agreement to secure the above Heads of Terms would be required to be signed and executed (if the scheme were approved), to ensure the proposal would accord with the above policies. In the absence of such an agreement as a mechanism to secure planning obligations, the proposal would conflict with these policies, which constitutes a separate reason for refusal.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

**15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **16. CONCLUSION**

### **16.1 Areas or assets of particular importance:**

The application of policies in the NPPF that protect areas or assets of particular importance<sup>17</sup> would **not** provide a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF. Therefore, the planning balance in paragraph 11(d)(ii) of the NPPF is applied below.

### **16.2 Planning balance:**

---

<sup>17</sup> See footnote 7 of the NPPF.

The public benefits of the scheme would include:

- Provision of 17 dwellings to the housing supply – **moderate** weight.
- Provision of public open spaces – **moderate** weight.
- Economic and social benefits – **limited** weight.
- Ecological enhancements and mandatory BNG – **limited** weight.
- Provision of some accessible and/or adaptable dwellings (including bungalows) – **limited** weight.
- Highway improvements – **limited** weight.
- Energy & water efficiency measures – **limited** weight.
- Limited locational sustainability via some access to sustainable modes of travel – **neutral** weight.

### 16.3

The adverse impacts of the scheme would include:

- Absence of affordable housing provision on-site (or exceptional circumstances for off-site delivery, or a financial contribution in lieu) – **substantial** weight.
- Conflict with spatial strategy and settlement hierarchy of Development Plan (Local Plan, Neighbourhood Plan) – **significant-to-substantial** weight.
- Failure to secure a well-designed place – **significant-to-substantial** weight.
- Harm to the character and appearance of the countryside due to coalescence between settlements (erosion of settlement identities and pattern) and due to the loss of the countryside's intrinsic character and beauty – **significant** weight.
- Absence of mechanism to secure planning obligations – **significant** weight.
- Inappropriate housing mix – **moderate** weight.
- Absence of mechanism to secure tariff for Essex Coast RAMS – **moderate** weight.
- Loss of best and most versatile agricultural land – **limited** weight.

### 16.4

From the summary of benefits and harms above and given the marginal housing supply shortfall (until the HDT update), the development would **not** be sustainable for which there is a presumption in favour. Paragraph 11(d)(ii) of the NPPF requires decision-makers to have particular regard to key policies for securing well-designed places and providing affordable homes. The failures to secure a well-designed place and affordable housing on-site are adverse impacts that would alone significantly and demonstrably outweigh the limited benefits of the scheme. The conflict with the up-to-date spatial strategy and settlement hierarchy of the new Local Plan and the Neighbourhood Plan would also indicate the same conclusion.

### 16.5

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. On this occasion, the conflict with Local Plan and Neighborhood Plan policies would not be outweighed by the benefits of the scheme. Previous decisions for the

adjacent site or the wider area indicate that the application should not be decided other than in accordance with the Development Plan given the material change in circumstances with the adoption of the new Local Plan in March 2026.

**16.6** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposals would *significantly and demonstrably outweigh* the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

**16.7** It is therefore recommended that the application be REFUSED for the reasons set out in section 17.

## **17. REASONS FOR REFUSAL**

**1** The proposal would not be in a suitable location for housing having regard to the spatial strategy and settlement hierarchy of the Development Plan. Therefore, the development would be contrary to Core Policy 3 and Development Policy 1 of the Uttlesford Local Plan 2021-2041 (adopted March 2026), and policy FEL/HN5 of the Felsted Neighbourhood Plan (made February 2020).

**2** The proposal, due to its location, would significantly harm the character and appearance of the countryside through the physical and visual coalescence between settlements, and the subsequent erosion of their individual identities and established settlement pattern, and through the loss of the countryside's intrinsic character and beauty. Accordingly, the development would conflict with Core Policies 41 of the Uttlesford Local Plan 2021-2041 (adopted March 2026), policy FEL/ICH4 of the Felsted Neighbourhood Plan (made February 2020), code ID1.1C of the Uttlesford Design Code (adopted July 2024), and paragraph 187(b) of the National Planning Policy Framework (2024).

**3** The proposal, by reason of its layout and design approach, would not secure a well-designed place because it would not be visually attractive as a result of good layout, nor sympathetic to its surrounding built environment, and it would not establish a strong sense of place using the arrangement of streets and spaces to create an attractive and welcoming place to live. The proposal would conflict with Core Policy 52 of the Uttlesford Local Plan 2021-2041 (adopted March 2026), policy FEL/ICH4 of the Felsted Neighbourhood Plan (made February 2020), codes M1.3C, C1.1C of the Uttlesford Design Code (adopted July 2024), and paragraphs 11(d)(ii), 135(a)-(d), 139 of the National Planning Policy Framework (2024).

- 4 The application constitutes ‘major development’ whereby affordable housing units would be required to be delivered on site. In the absence of this provision (or appropriate justification for exceptional circumstances), the proposal would be contrary to Core Policy 56 of the Uttlesford Local Plan 2021-2041 (adopted March 2026), the Supplementary Planning Document ‘Planning Obligations’ (adopted June 2026), and paragraphs 11(d)(ii), 61, 63, 64 of the National Planning Policy Framework (2024).
- 5 The proposal would not provide an appropriate mix of houses in the interests of meeting housing need and creating socially mixed, vibrant and inclusive communities. The application has not provided an evidence-backed justification for non-compliance with the relevant policies. Accordingly, the scheme would conflict with Core Policy 53 of the Uttlesford Local Plan 2021-2041 (adopted March 2026), code U1.5C of the Uttlesford Design Code (adopted July 2024), and paragraph 61 of the National Planning Policy Framework (2024).
- 6 In the absence of a mechanism to secure the delivery of the tariff per dwelling required for the Essex Coast Recreational Avoidance & Mitigation Strategy (RAMS) that would mitigate the adverse impacts of recreational pressure on designated Habitats Sites along the Essex Coast, the scheme would conflict with Core Policy 38 of the Uttlesford Local Plan 2021-2041 (adopted March 2026), policy FEL/HN8 of the Felsted Neighbourhood Plan (made February 2020), the Supplementary Planning Document ‘Essex Coast RAMS’ (adopted 2020), and paragraphs 187(b), 193(a) of the National Planning Policy Framework (2024).
- 7 The application failed to provide a mechanism, such as a section 106 legal agreement, to secure the following planning obligations as required by planning policy and guidance:

  - i. Provision of 6 affordable houses (35.3%).
  - ii. Provision of accessible and adaptable dwellings:
    - a. 5% of market homes to be M4(3)(a) compliant
    - b. 10% of affordable homes to be M4(3)(b) compliant.
  - iii. Provision and on-going maintenance and management strategy of public open spaces for 30 years.
  - iv. Maintenance and monitoring of significant on-site Biodiversity Net Gain.
  - v. Contribution for waste.
  - vi. Contribution for libraries.
  - vii. Contribution to the public art fund or on-site delivery of public art.
  - viii. Payment of the Council’s legal costs.
  - ix. Payment of monitoring fees.

In the absence of such a mechanism, the proposal would conflict with Core Policies 5, 52, 37, 39, 53, 56, 67, 67a and Development Policy 9 of the Uttlesford Local Plan 2021-2041 (adopted March 2026), Schedule 7A (Biodiversity Gain in England) of the Town & Country Planning Act

1990, the Supplementary Planning Document 'Planning Obligations' (adopted June 2026), the Essex County Council's Developers' Guide to Infrastructure Contributions (2026), the Planning Practice Guidance, and the National Planning Policy Framework (2024).

## APPENDIX 1 – ESSEX HIGHWAYS (HIGHWAY AUTHORITY)

Your Ref: UTT/25/3242/FUL  
Our Ref: HT/SD/RMc/15458  
Date: 01/05/2026



**Essex County Council**

CC (by email): Cllr Foley  
Essex Highways Development Management

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER

Highways and Transportation  
County Hall  
Chelmsford  
Essex  
CM1 1QH

### Recommendation

Application No. UTT/25/3242/FUL

Applicant P M Marshall, S C Cioni, D E Cowlin

Site Location Land At Sunnybrook Farm Braintree Road Felsted Essex

Proposal Erection of 17 no. dwellings with access, landscaping and associated infrastructure

The Highway Authority has assessed the information which has been submitted with the planning application, including the Revised Transport Statement. The assessment of the application and Transport Statement was undertaken with reference to the National Planning Policy Framework 2024 and in particular paragraphs 115-117, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

In our initial response dated 4<sup>th</sup> February 2026, we raised a number of items for clarification/consideration. The applicant responded to these in their letter dated 19<sup>th</sup> March 2026. Taking each in turn, we have the following comments:

- Public Right of Way conflict with landscaping
  - The definitive route of footpath 12 (Felsted 15) is now clearly marked on the Landscape Plan (Landscape Extract: Northern POS, drawing no. L1176-2.1-1005 Rev P02) which is welcomed
  - However, the definitive route is not marked so the 'PROW no planting exclusion zone (3m)' is marked from the centreline
  - We consider this can be dealt with by condition (see draft condition 7)
- Access to plots 15-17
  - This matter is outstanding – the Revised Proposed Site Layout (drawing no. 8923/P101 Rev P3) does not indicate a continuous 2m footway
  - We consider this can be dealt with by condition (see draft condition 2)
- Plot 10
  - This matter is resolved
- Forward visibility
  - This matter is resolved
- Turning head
  - This matter is resolved but the applicant should be made aware that this may be raised again at technical approval stage if the road is to be offered for adoption
- Dropped kerb pedestrian crossing on the site access road to facilitate the N-S movement
  - We consider this can be dealt with by condition (see draft condition 2)
- Speed-restraint measures to ensure compliance with 20mph zone
  - We consider this can be dealt with at detailed design stage

- Improvements to footpath 12 to provide all-weather surface
  - Footpath 12 provides a good pedestrian link for residents in the northern portion of the proposed site to access the school
  - A pedestrian link here would also provide permeability between Phase 1 and Phase 2
  - Without an all-weather surface along the section of PROW from the school to the northern POS/northern turning head, residents in plots 1 and 2, for example, would have to walk twice as far to access the school
  - We consider this can be dealt with by condition or obligation (see draft condition 2)
- Watch House Green (eastbound) bus stop and new westbound bus stop
  - We consider it is reasonable for improvements to the bus stop infrastructure in the vicinity of the site to be sought considering our position set out in ECC's Developer's Guide to Infrastructure Contributions
  - We consider this can be dealt with by condition or obligation (see draft condition 6)

We are aware that Phase 1 of the development (approved under reference UTT/20/1882/FUL) is built, and that the access road (Foxglove Place) is in the process of being adopted. The access to Foxglove Place from B1417 Braintree Road has been constructed under a s278 agreement. Our understanding is that the s38 agreement to adopt Foxglove Place is in progress. Foxglove Place will be subject to a 20mph speed limit, which should be continued into the new development if approved.

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions/obligations:**

1. **Construction Management Plan:** no development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority, in consultation with the local highway authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - a. construction vehicle access,
  - b. the parking of vehicles of site operatives and visitors,
  - c. loading and unloading of plant and materials,
  - d. storage of plant and materials used in constructing the development,
  - e. wheel and underbody washing facilities,
  - f. routing strategy for construction vehicles,
  - g. protection of public rights of way within or adjacent to the site,
  - h. consideration of the proximity of the site to the school, its pick-up and drop-off times and term dates,

**Reason:** in the interests of highway safety and efficiency in accordance with policies DM1 and DM20 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance

2. **Vehicular access:** prior to occupation of the development, the provision of an access formed at right angles to Foxglove Place, as shown in principle on drawing no. 8923/P101 Rev P3 to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate the swept path of vehicles regularly using the site access; two 2 metre wide footways and clear to ground visibility splays with dimensions of 2.4 metres by 25 metres to both the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

**Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance

3. **Pedestrian network:** prior to occupation of the development, pedestrian infrastructure to provide a comprehensive, safe pedestrian network shall be provided and retained at all times, to include:

- a. Continuous 2 metre footway along the site access road
- b. North-south dropped kerb crossing point in the vicinity of the site access
- c. All-weather route from the north of the site to Phase 1 development and Felsted Primary School

**Reason:** in the interests of reducing the need to travel by car, promoting sustainable development and transport, and ensuring an appropriate walking network in accordance with policy DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance

4. **Cycle parking:** prior to occupation of the development, each dwelling will be provided with secure covered cycle parking as indicated on drawing no. 8923/P120 Rev P4 and retained in this form at all times.

**Reason:** to ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance

5. **Vehicle parking:** prior to occupation of the development, the vehicle parking areas indicated on drawing no. 8923/P120 Rev P4 have been hard surfaced, sealed and marked out as necessary. Each vehicular parking space shall have minimum dimensions of 2.9 metres by 5.5 metres. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

**Reason:** to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance

6. **Residential Travel Information Packs:** prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator)

**Reason:** in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance

7. **Bus infrastructure:** prior to occupation of the development, the provision of the following bus infrastructure entirely at the developer's expense:
  - a. Provision of new westbound bus stop on Braintree Road in the vicinity of the junction with Foxglove Place
  - b. Provision of a hard-standing pedestrian route to the eastbound bus stop known as Watch House Green (eastbound)

**Reason:** in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance

8. **Public Right of Way:** the public's rights and ease of passage over public footpath 12 (Felsted 15) shall be maintained free and unobstructed at all times. All new planting to be set-back 3m from the definitive route/width of the footpath.

**Reason:** to ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance.

**The above conditions are required to ensure that the development accords with the National Planning Policy Framework (2024) and the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance.**

**Informatives:**

- (i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (ii) All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- (iii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.
- (iv) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- (v) There shall be no discharge of surface water onto the Highway.
- (vi) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway
- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath 12 (Felsted 15) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall

be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.



.....  
pp. Director of Highways and Transportation  
Enquiries to Rachel McKeown  
Email: [rachel.mckeown@essex.gov.uk](mailto:rachel.mckeown@essex.gov.uk)  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

## APPENDIX 2 – LEAD LOCAL FLOOD AUTHORITY (ESSEX COUNTY COUNCIL)

Essex County Council  
Development and Flood Risk  
Environment and Climate Action,  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Avgerinos Vlachos  
Uttlesford District Council  
Planning Services

Date: 22 June 2026  
Our Ref: SUDS-008700  
Your Ref: UTT/25/3242/FUL

Dear Sir/Madam,

### **Consultation Response- UTT/25/3242/FUL- Land At Sunnybrook Farm, Braintree Road, Felsted**

Thank you for your email which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

### **Lead Local Flood Authority position**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

#### **Condition 1**

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1.5l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change subject to agreement with the relevant third party.
- Demonstrate that features are able to accommodate a 1 in 10-year storm events

within 24 hours of a 1 in 30 year event plus climate change.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

**Reason**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

**Condition 2**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

**Reason**

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

**Condition 3**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

#### **Reason**

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### **Condition 4**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

#### **Reason**

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022.  
[Flood risk assessments: climate change allowances](https://www.gov.uk/government/news/flood-risk-assessments-climate-change-allowances) - GOV.UK ([www.gov.uk](http://www.gov.uk))
- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.  
<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>  
<https://www.thameswater.co.uk/developers>
- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.  
<https://flood.essex.gov.uk/maintaining-or-changing-watercourse/>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to

approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.