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Applicant:
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Application No: **18/00843/OUT**

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

In pursuance of the powers conferred on them, the Council, as local planning authority, do hereby give notice of the decision to **REFUSE PERMISSION** for the following development:

DEVELOPMENT: Outline application with all matters reserved for the development 71 units with associated parking and amenity space
ADDRESS: Hulletts Farm Hulletts Lane Pilgrims Hatch Essex CM15 9RX
DRAWING NO(s): 303/15/SK_1001/A; 303/15/SK_1002; 303/15/SK_1001;

For the following reasons:

- 1 The proposal would be inappropriate development in the Green Belt in that it would materially detract from openness, it would represent an encroachment of development into the countryside and it would result in an unrestricted sprawl of a large built up. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.
- 2 Other matters that may weigh in favour of the proposal have been considered individually and collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

- 3 The proposed development would represent a high level of harm to the setting of the adjacent Grade II listed buildings: Hulletts Farmhouse and Gents Farmhouse, by reason of the proposal's urban sprawl in an open countryside setting where the interplay of landscape with the listed buildings are intrinsic to their setting. Furthermore, the proposal does not provide any assessment of the impact the proposal would have upon the significance of the Heritage Assets. The proposed development would lead to substantial harm to the significance of the designated heritage assets as set out in paragraph 133 of the National Planning Policy Framework, the substantial harm would not be outweighed by the public benefits of the scheme. The proposal is therefore in conflict with the Brentwood Replacement Local Development Plan Policy C16, and the aims and objectives of the NPPF and guidance set out in the NPPG.
- 4 The proposed housing density is significantly below that of the requirement set out in Policy H14 of the Brentwood Local Plan and is at odds with the prevailing pattern of built development in the surrounding area which is considered harmful to the character and appearance of the area. The proposal is therefore contrary to Policy H14 and the provisions of the Framework.
- 5 The proposed development does not provide any small dwellings, i.e. one or two-bedroom properties, which will provide a harmful imbalance in the population structure of the future residents. Furthermore, the proposal, by not providing a range of units, would not fully meet the type of housing needs required in the Council's objectively assessed needs. The proposal is therefore contrary to Policy H6 and the provision of the Framework.
- 6 The proposal development from the submitted layout plans does not show a level of usable open space or provision for a LEAP/LAP which would adequately serve the future residents of the development. The proposed lack of public open space would be harmful to the well-being of the future residents and would be contrary to Appendix Policy 5 of the Brentwood Replacement Local Plan and the provisions of the Framework.
- 7 7.The proposal would be detrimental to highway safety and pedestrian convenience due to the lack of an acceptable transport assessment and the potential significant increase in level of vehicle usage along Hulletts Lane, which is a registered byway (path no 164, Brentwood Parish) and is not suitable for such an increase in usage. The proposal is therefore contrary to Policy T2 of the Brentwood Replacement Local Plan and the provisions of the Framework.
- 8 The proposal would be harmful to the ecology and the habitat of the site and surrounding area due to the lack of appropriate ecological surveys to inform mitigation. The proposal is therefore contrary to Policy C5 of the Brentwood Replacement Local Plan and the provisions of the Framework.
- 9 The applicant has not demonstrated that the proposal can adequately drain the site due to the lack of a surface water drainage strategy and plan layout and flood risk assessment (as site is bigger than 1 Hectare). The proposal is therefore contrary to the provisions of the Framework.

- 10 The applicant has not demonstrated adequately that the site is free of contamination by hazardous substances due to the lack of contamination report, given the previous use of the building(s). The proposal is therefore contrary to Policy PC1 of the Brentwood Replacement Local Plan and the provisions of the Framework.

Informative(s)

- 1 The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, H6, H9, H14, T2, C5, C16, PC1, the National Planning Policy Framework 2012 and NPPG 2014.
- 2 The drawing numbers listed above are relevant to this decision
- 3 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

Dated: 18 July 2018



Phil Ruck
Chief Executive

IMPORTANT – ATTENTION SHOULD BE DRAWN TO NOTES ATTACHED

NOTES

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

- If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent or approval for the proposed development, that person may appeal to the First Secretary of State, in accordance with the provisions of the Town and Country Planning Act 1990, within six months of the date of this notice (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.
- If permission, consent or approval to develop land is refused, whether by the Local Planning Authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, that person may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act, 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission, consent or approval is refused by the First Secretary of State on appeal or on a reference of an application to the First Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990 and Sections 27 and 28 of the Planning (Listed Buildings and Conservation Areas) Act 1990.