

LITTLE HALLINGBURY PARISH COUNCIL

CLERK OF THE COUNCIL

06 October 2025

Uttlesford District Council
Planning

For the attention of: To whom it may concern

SUBJECT: Planning Application UTT/25/2181/OP

Proposal:	Outline planning application, with all matters reserved (except for principal access), for the demolition of existing structures and erection of up to 59 dwellings, including affordable housing, associated green and hard infrastructure, public open space, biodiversity enhancements, and principal access off Lower Road.
Address:	Land at Camps Field, Lower Road, Little Hallingbury

1. The following document sets out the objections to the above referenced outline planning application by Little Hallingbury Parish Council ('the Parish Council'). It follows from the resolution of the Parish Council on 23rd September, recorded as item 25/173 in the minutes, having considered the said application to object on the following basis:
2. This representation, which has been prepared by an expert planning barrister, sets out and expands upon the reasons why the housing development proposed by the Application is unacceptable in planning terms and contrary to the current as well as emerging development plan and there are no material considerations of sufficient weight that lawfully should lead Uttlesford District Council to allow the Application.

3. In summary the Site is unsuitable for this development and does not represent sustainable development due to Noise; Air Quality and Flood Risk implications as well as representing inappropriate development in the Green Belt; harm to the landscape and heritage assets as well as ecological harm.
4. The application fails to accord with the development plan and there are no or no sufficient material considerations that outweigh that failure and the planning harm (including heritage harm) arising out of this scheme. As such the Council should refuse this application.

Little Hallingbury & the Site

5. Little Hallingbury itself is recognised as a larger village within Uttlesford District Council's ('the Council') latest (post examination) Local Plan (which is at main modifications stage currently) ('the emerging plan' or 'Local plan 20241') and lies wholly within the metropolitan Green Belt (GB) which skirts this southeastern edge of the district. It is therefore a 'GB Settlement'
6. In core policy 3, Settlement Hierarchy, the emerging plan classifies Little Hallingbury as a larger village and for the type of development to be allowed confirms that *"Development outside the existing built areas of these settlements will only be permitted where it is allocated by the Local Plan 2041 or has been allocated within a Made Neighbourhood Development Plan, or future parts of the Local Plan. Development at washed over GB settlements should be assessed in accordance with National Policy"*.
7. In Chapter 8, Thaxted and Rural Area Strategy, para 8.19 the emerging plan also states:
"In relation to the housing requirement figures for the Larger Villages, it is proposed that any Larger Villages located in the Green Belt would not be appropriate locations for allocations to be made. The Council does not consider there are any exceptional circumstances for allocating development in the Green Belt in Uttlesford, as there are a large number of opportunities for development in the District that fall outside of the Green Belt. This means that the villages of Birchanger and Little Hallingbury are not appropriate locations for non-strategic allocations, and the housing requirement for these villages is set at the level of completions and commitments as at 1st April 2024"

8. In addition, as part of the evidence base to the emerging Little Hallingbury Neighbourhood Plan a Landscape Assessment Survey Report ('the LAS') (dated October 2024) has been carried out.
9. In terms of the wider context the LAS states as follows [1.1.3-1.1.4]:
 - “1.1.3 *The rural landscape of Uttlesford district provides the setting for the village of Little Hallingbury. There are 58 Grade II Listed Buildings and three Grade II* Listed Buildings including St Mary the Virgin Church, Hallingbury Mill and Gaston House. The historic settlement pattern was originally dispersed along the route of the now A1060 and is now connected with spurs of development extending along Dell Lane and has infilled the land between Wrights Green and the A1060 and between Wrights Green and Goose Lane. The historic settlement pattern at Gaston Green survives well with limited development focused around the pond.*
 - 1.1.4 *Although locally-generated development pressure is relatively small compared to other parts of the District, the potential of future pressures of development from the conversion of equestrian paddocks poses a threat to the Parish's remote, tranquil character....”*
10. The LAS describes the landscape character of the area as being *“representative of English lowland countryside character with dispersed rural settlements. The strength of character generally increases with distance from Bishop's Stortford with the eastern part of the Parish being the strongest in rural countryside character, despite the M11.”* The eastern part is of course where the site is located and the LAS identifies this area in section 8 as Local Parish Landscape Character Areas (LPLCA) *“Little Hallingbury Hall & Motts Green Pasture”* which is described as having a medium overall landscape sensitivity [9.1.3] and where *“every opportunity should be taken to restore and replace lost landscape features and field patterns to strengthen the contribution to local landscape character”* [11.0.13].
11. In its assessment of landscape planning issues and development pressure within the parish the LAS at [10.2.4] refers specifically to :
“Development of equestrian fields adjoining the village envelope: There are a number of equestrian fields adjoining the village envelope of Little Hallingbury. Although there is a presumption against development and the New Local Plan for the Uttlesford District states

that there is no requirement for housing in the village of Little Hallingbury as the Village is in Green Belt, however there could be a risk of future conversion of equestrian paddocks to residential and commercial purposes. Therefore considerations should include:

- The potential for coalescence (perceived or physical) with Bishop's Stortford, Sawbridgeworth and Hatfield Heath*
- The visual impact of new development upon the rural countryside adjoining the Parish*
- The potential loss of small pastoral fields*
- The setting of Listed Buildings within the countryside and on the village edges*
- Rural view from public rights of way, particularly views out of the village envelope across the rural countryside of the Little Hallingbury Parish and adjacent Parish landscapes*
- The pressure of increased traffic on rural lanes”*

12. The Site is bounded to the south west by the A1060 Lower Road; by Wrights Green Lane to the northeast and by Public Footpath 4537 to the southeast. It is notable that whilst the redline of the Site does not include the footpath it is understood that the applicant is the owner of the strip of land across which the footpath runs as shown on the Site Boundary Plan ref 2054/02 A or Location Plan submitted on 27 August 2025.

13. The applicant must be aware of the footpath (see e.g. Heritage Assessment and Landscape and Visual Green Belt Appraisal) but the illustrative layout plan omit to show it and the Design and Access Statement does not show it either and suggests only with indicative arrows there may be a future potential link with it from the proposed development. We return to the significant impact that would arise from the proposal upon this footpath and its users below.

14. It should be noted that the Site has been considered in the past as part of a call for sites by the Council during preparation of the Uttlesford Local Plan 2021 – 2041. In July 2024 the Council published a Site Selection Topic Paper and accompanying appendix. On page 89 the Appendix ([https://www.uttlesford.gov.uk/media/12629/Site-Selection-Topic-Paper-Appendix-A-Stage-1-to-Stage-5-Site-Selection-Assessment/pdf/Site Selection Topic Paper - Appendix A Stage 1 to Stage 5 Site Selection Assessment.pdf?m=1701349887720](https://www.uttlesford.gov.uk/media/12629/Site-Selection-Topic-Paper-Appendix-A-Stage-1-to-Stage-5-Site-Selection-Assessment/pdf/Site%20Selection%20Topic%20Paper%20Appendix%20A%20Stage%201%20to%20Stage%205%20Site%20Selection%20Assessment.pdf?m=1701349887720)) states that the site (LtHallingbury 002 RES) was discounted at Stage 2 Site Sifting with the comment: 'The site is unable to deliver 100 home or above individually or

cumulatively with adjacent sites. It is not located within or in close proximity to the top two tier settlements of the District'. The appendix also states that no sites in Little Hallingbury are carried forward to Stage 3 Detailed Assessment of Constraints and Opportunities.

Policy Context & Presumption in Favour of Sustainable Development (Housing Land Supply 'tilted balance')

15. Specific relevant passages of the NPPF will be raised when addressing the related issues below however of general note it is asserted that the Council cannot demonstrate it has 5 year housing land supply ('HLS').
16. We note the Examination Inspectors' findings in respect of the emerging plan set out in their post hearing note dated 31 July 2025 [9 and 12] rejecting the need for further delay to the plan and confirming soundness in this respect:
"9. Various alternative housing supply figures have been offered in representations, but we prefer that calculated by the Council in UTT5 of 4.77 years' supply, assuming a 20% buffer, updated housing completion data 2024/25 and inclusion of the shortfall in housing supply since the base date of the Plan. Consequently, the housing trajectory should be modified to accord with the above calculation, and main modifications made to Core Policy 2 to update the housing figures.
...
12. We are satisfied that the Plan identifies sufficient land to meet its housing requirement over the plan period, with headroom of approximately 12.6% based on the updated figures in UTT5. Furthermore, the rate of housing delivery in Uttlesford in recent years has been significant and is forecast to continue, such that the Council is unlikely to have to include an increased buffer to account for undersupply. While we are unable to take account of that in our conclusion for the reason set out above, based on the calculations in UTT5 it is very possible that the Council will be able to show a five-year housing supply on or shortly after the anticipated date for adoption."
17. As such the question of shortfall and what is more the extent of any genuine shortfall that is finally determined is highly material.
18. The Parish Council accepts that the consequence of not being able to demonstrate 5 YHLS and an up to date plan is that the application of the presumption in favour of sustainable development as set out in NPPF 11 gives rise in the first instance to a tilted balance in favour of development.

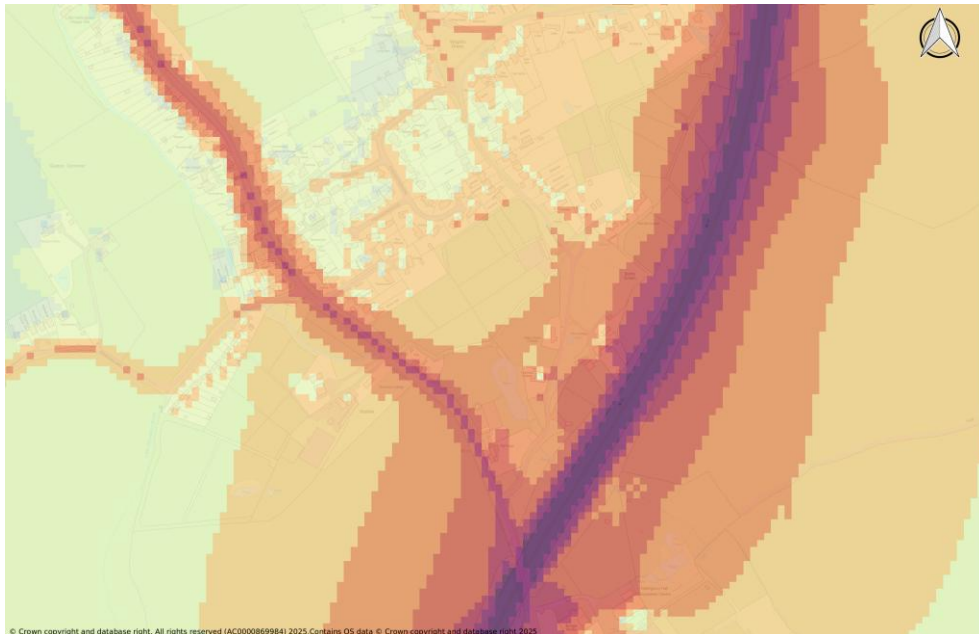
19. If the Council can demonstrate 5 YHLS then clearly no such tilted balance arises and the development must be assessed against the development plan in accordance with s70 of the Town and Country Planning Act 1990 and s38(6) of the Planning and Compulsory Purchase Act 2004 and if it fails to accord with the plan taken as a whole, planning permission should be refused, unless material considerations indicate otherwise.
20. Even if the tilted balance arises initially, NPPF 11(d)(i) makes it clear that consideration must be given first to whether the application of the relevant policies set out in footnote 7 which *“protect areas or assets of particular importance provides a strong reason for refusing the development proposed”*. These footnote 7 policies include policies in respect of *“land designated as Green Belt”* as well as *“designated heritage assets ...;and areas at risk of flooding”* .
21. As set out below, the Applicant misapplies the Grey Belt and Golden Rules policies to the facts in order to assert that the Site should not be treated as subject to full Green Belt protection In addition the Heritage Assessment and Flood Risk Assessment are flawed such that it must be concluded that harm to heritage assets arises, engaging strong reasons to refuse the application as well as a failure to comply with flood risk policy.
22. This means that even if the tilted balance arises in the first instance as a result of the HLS position, NPPF 11(d)(i) means that the a tilted balance is disapplied as a result of either the individual or collective proper application of Green Belt; Heritage and Flood Risk policies as set out in the NPPF.
23. That means that the Council need only consider whether the development accords with the plan and if not whether there are sufficient material considerations to outweigh the presumption in favour of the plan.
24. Given the harm identified it is clear that the conclusion should be to refuse this application.
25. Even if the Council was to conclude that the application of NPPF 11 (d)(i) and the footnote 7 policies does not give rise to a strong reason to refuse, the Council would then need to consider in accordance with NPPF 11 (d) (ii) whether any adverse impacts of

granting permission “*would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*” .

26. As set out here the Parish Council considers that the adverse impacts of this proposal identified are clearly sufficient enough significantly and demonstrably to outweigh the alleged benefits in any event.

Noise

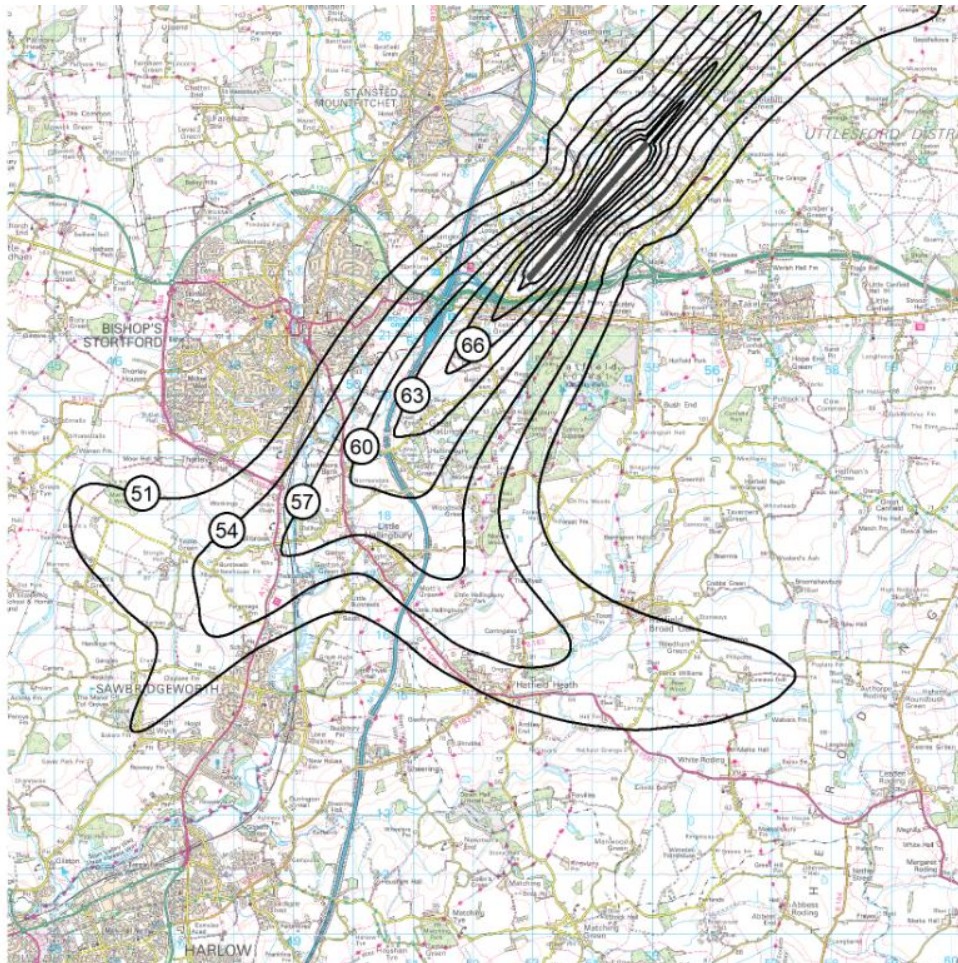
27. The Site lies in close proximity to the M11 and suffers from constant noise from the motorway. This is the DEFRA 24hr Road Noise map for the immediate area of the site.



28. In addition, on top of noise from the motorway the application site lies within the current 54dB LAeq contour for day noise and 48dB LAeq contour for night noise from Stansted Airport (see letter from London Stansted Airport ('LAS') dated 16 Sept 2025).

Stansted Noise Contours

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29. It is well established that in respect of aircraft noise this represents LOAEL the level at which people exposed to this level and type of noise have an observed adverse impact to it and triggers “community annoyance” as well as *“above which adverse effects on health and quality of life can be detected”*.
30. This proposal clearly seeks cynically to expose 50 odd families deliberately to this adverse noise impact.
31. This is demonstrated by the Applicant’s noise impact assessment and recommendations which confirm that given the noise exposure from both the M11 and Stansted the occupants of the proposed houses will effectively have to avoid opening their windows in order to meet requisite standards. Those who choose to use any of the outside areas including children around the houses will clearly simply be affected by the noise.

32. This is akin to accepting the conditions at this Site are as bad as being in a large city (if not worse) whilst equally relying upon its location as part of the Green Belt between villages to argue for the Site's release from the Green Belt to argue it is suitable for housing development.
33. The clear implication however of the noise evidence alone is that this Site is clearly **not** suitable for housing but should remain in its current condition as open and rural serving its recognised Green Belt and landscape function as well as serving as part of the setting of a number of heritage assets.
34. The exposure of housing as a recognised noise sensitive form of development to unacceptable noise is contrary to NPPF187 which requires that planning decisions should prevent *"new and existing development from... being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution"*.
35. It is also contrary to existing Local Plan 2005 policy ENV10 and emerging plan Core Policy 44.
36. The latter in particular requires applicants for residential schemes to demonstrate *"that users of the development will not be exposed to unacceptable noise impact from existing, temporary or future uses"* and that *"Noise sensitive uses proposed in areas that are exposed to noise at the Lowest Observed Adverse Effect Level (LOAEL) or the Significant Observed Adverse Effect Level (SOAEL) from existing... transport (air, road, rail and mixed) sources will not be permitted unless it can be demonstrated good acoustic design has been considered early in the planning process, and that all appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable"*.
37. The applicant's noise assessment and recommendations clearly do not meet this approach and the general lack of any assurance of good design as part of the scheme is highlighted in the response from the Council's Urban Design officer (see letter dated 17 September 2025) which confirms that *"a scheme of this scale in a sensitive edge of settlement location should be referred to the UQRP and a Design Code should be prepared to accompany the application to ensure that the delivery of high-quality design is secured at outline stage"*.

38. Emerging plan policy 44 also goes on to refer to confirm that *“Noise sensitive uses proposed in areas that are exposed to noise at the Unacceptable Adverse Effect level will not be permitted”*.
39. This requires the identification of the *Unacceptable Adverse Effect Level* which it is explained *“ for most sources, including surface transport, will be determined on a case-by-case basis subject to the nature of the proposal, the source of the noise and guidance from the Council’s Environmental Health officer the Unacceptable Adverse Effect level”*.
40. It is interesting to note the response from the Council’s Environmental Health officer which confirms that the Applicant’s noise assessment shows the Site *“exceeds the recommended upper guideline of 55 dB LAeq,16hr for external amenity areas set out in BS8233:2014”* and that this such noise levels *“raise concerns about the suitability of the site for residential use, as future occupiers will be exposed to noise in external spaces”* .
41. The EHO also complains about the absence of an *“indicative strategy showing how external noise will be managed or reduced (there is some mentions of potential shielding, however there is no objective data to support this)”*.
42. Notably the EHO recommend a condition which based upon the levels assessed cannot it seems be met in any event because it requires all external areas to be *“designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr”*. Given the height of the motorway relative to the development site it would be argued that soundproofing with trees or screens would be ineffective.
43. The application would also fail to accord with existing plan Policy GEN2 which provides that *“development will not be permitted unless...it provides an environment which meets the reasonable needs of all potential users”*.
44. Again as noted in LAS’s response to this application, increasing the number of people in the UK significantly affected by aircraft noise is contrary to the Government’s Aviation Policy Framework (APF).
45. Whilst the Applicant’s Noise Assessment refers to the Noise Policy Statement for England (NPSE) it only appears to deal with the first of the three aim Noise Policy Aims set out in the NPSE by focusing

on whether noise would be significant adverse levels (SOAEL). The NP Aims provide:

“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- ☐ *avoid significant adverse impacts on health and quality of life;*
- ☐ *mitigate and minimise adverse impacts on health and quality of life;*
- and*
- ☐ *where possible, contribute to the improvement of health and quality of life.”*

46. Again as noted by the LAS and implied by the EHO responses given the Site is exposed to noise levels above the LOAEL (51 dB LAeq) for aircraft noise (ignoring motorway traffic noise exposure on top of that) there would clearly be adverse impact upon the health and quality of life of future occupants at the Site and there has been a wholesale failure to provide evidence that these recognised adverse impacts would be mitigated and minimised adverse impacts.

Air Quality

47. The Air Quality Assessment submitted with the application is flawed.
48. It bases the assessment upon Traffic Data and in the first instance it can be seen that M11 as part of the dispersion modelling shows traffic flow data (over 107,000 AADT in 2027, with 10.8% HGVs). This confirms the M11 is a major contributor to local emissions.
49. However when it comes to modelling Pollutant Concentrations, the AQA models NO₂, PM₁₀, and PM_{2.5} levels at various receptor points across the site. These concentrations are stated to be below the respective national air quality objectives — but only individually, not cumulatively with other sources like aircraft and other traffic.
50. The AQA then goes on to apply a background concentration adjustment which is said to account for the M11's contribution but the report removes “*major road sources*” from the background data in order it states to avoid double-counting. This however implies the M11 is treated as a standalone input but without isolating its specific impact.

51. In addition the AQA does not account for how the M11's elevated structure or prevailing wind patterns might intensify pollution exposure at first-floor level or across seasons — a key omission given the site's topography.
52. As a result the output and stated conclusions of the AQA are absent key elements which underplay the level of harmful emissions that arise at the Site.
53. No part of the AQA quantifies or discusses the direct health or amenity impact of M11 emissions alone — despite its proximity and acknowledged traffic intensity.
54. No consideration is given within the AQA to the combined effects of traffic related and aircraft related harmful emissions. Instead the AQA treats motorway and airport emissions separately. It fails to assess the cumulative exposure from both sources, which is critical for residential suitability.
55. In addition, while general mitigation is discussed (e.g. construction dust, site layout), there is no targeted strategy for shielding residents from motorway-related air pollution.
56. In summary the AQA is flawed and fails to provide an accurate and full picture of the emissions the Site is exposed to. It includes traffic data from the M11 motorway but fails to isolate or evaluate its specific impact on site air quality. Despite the motorway's elevated position and high HGV flow, the report does not address seasonal variation, wind effects, or first-floor exposure. Crucially, it omits any assessment of the cumulative impact of motorway and airport emissions — a known constraint in previous planning assessments — and offers no targeted mitigation for this combined exposure.

Landscape and Amenity Impact and Design

57. The emerging local plan Core Policy 41 (to which weight can be given) confirms that *“Development will be expected to reflect and enhance local landscape character in accordance with the applicable guidelines to protect and conserve, manage and plan landscapes outlined for each landscape character area within the Uttlesford Landscape Character Assessment (2023), particularly in settlement edge locations and Rural Areas. Development should, in the first*

instance, seek to avoid damage to the local landscape character, with appropriate mitigation secured”

58. The NPPF 187 also confirms that planning decisions “*should contribute to and enhance the natural and local environment...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*”

59. Further NPPF 100-104 stress the importance of safeguarding and enhancing public rights of way.

60. The applicant’s own Landscape Assessment confirms that the impact of the development on the Landscape Character of the Site and Context would be major adverse as well as upon users of Wrights Green Lane and the footpath that runs alongside the Site (Little Hallingbury 45) as well as the continuation of same footpath to the northeast of the Site (Little Hallingbury 11).

61. The impact and loss of the Site itself is also clearly one of major adverse as well.

62. The suggestion is made in the developer’s Landscape Assessment that these impacts are “*not an indication of bad design*” rather than this is the sort of impact that one should ‘expect’ from the development of a such as this.

63. The Council is referred to the concern raised by its own design officers however this comment is telling in that it is certainly not a positive endorsement of the Site as suitable one for this form of development - to the contrary the assessment of this degree of harm confirms that Site is clearly not.

64. The Parish Council can confirm that FP 3745 is a well-used local route, contributing to active travel, recreation, and landscape connectivity. It is The footpath is a valued community asset and must be properly recognised and protected in accordance ith line with national and local planning policy.

65. In overall terms therefore the applicant’s own evidence shows that the impact of the proposal in landscape terms and upon the local footpath would be significant and contrary to policy. Further it

underlines the fact that the site is clearly not suitable for this form of development.

66. Please see below and separately the Parish Council's required condition that in the event that the Council seeks (contrary to the matters set out herein) that the application can be permitted that it only be subject to the conditions set out in the Annex hereto and which includes in particular detailed reference to the Little Hallingbury Design Code.

Green Belt and Grey Belt plus application of Golden Rules]:

67. The Green Belt which surrounds the built-up areas of Little Hallingbury (see LAS Fig 4 showing settlement boundaries and Green Belt) was considered as part of the *2016 Uttlesford Green Belt Review ('the GBR')* and its recent Addendum *Green Belt Study Update ('the GBS Update')* dated June 2024 which formed the part of the evidence base to the emerging Local Plan.
68. The GBS confirms at [4.7] *"The Green Belt within Uttlesford District prevents the narrowing of the gap between the neighbouring towns of Bishop's Stortford to the west and Harlow to the south west (Purpose 2) and inhibits the encroachment of the villages along the A1060 (Hatfield Heath, Leaden Rodding, Little Hallingbury, White Rodding and Wright's Green), and B1383 (Birchanger and Stanstead Mountfitchet) into the countryside (Purpose 3)."*
69. It should be noted that the Green Belt parcel or General Area (GA) within which the Site falls is identified as GA 14 within the GBR and GBS.
70. The GBR confirms that GA 14 performs strongly overall against the criteria (see Fig 2.1) (GBS Update and GBR Map 5.4) which reflected the 5 Green Belt purposes set out in NPPD 143 (which are in addition to the *"fundamental aim of Green Belt policy"* identified in NPPG 142 as being *"to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*).
71. The GBS Update [2.3] and the GBR assessment criteria were developed to assess the performance of each of the GAS against all 5 Green Belt purposes set out in NPPF 143 (which remain unchanged from earlier NPPFs) namely:
- a) *to check the unrestricted sprawl of large built-up areas.*
 - b) *to prevent neighbouring towns merging into one another.*

- c) *to assist in safeguarding the countryside from encroachment.*
- d) *to preserve the setting and special character of historic towns;*
and
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

72. With regard to the application of purpose (b) (or purpose 2), the GBS Update specifically identified at [2.6] that Little Hallingbury was to be defined as a ‘town’.

73. In addition Table 5.1 of the GBR sets out that GA 14 scored the maximum (5) in respect of both purpose (b)/(2) and purpose (c)/3.

74. The Neighbourhood Plan LAS also reflects on the GBR at [5.1.20- 5.1.25] *confirming :*
“ General Area 14 is considered to very strongly contribute to purpose 2 of the Green Belt due to the role the area plays in the wider gap between the non Green Belt settlements of Bishop’s Stortford and Little Hallingbury. ...General Area 14 also plays an important role in restricting further ribbon development along the A1060 which would cause coalescence between Little Hallingbury and Wrights Green. General Area 14 is considered to contribute very strongly to purpose 2 of the Green Belt.
 ...

75. The Applicant argues the Site should be treated as Grey Belt as assessed against NPPF tests set out in NPPF Annex 2 ¹and in order to argue that the proposed development should not be “*regarded as inappropriate*” development in the Green Belt and which would otherwise engage the need to provide very special circumstances to justify the Site’s loss to this scheme

76. First it is clear that as long as a site contributes to “*any of purposes (a), (b), or (d) in paragraph 143*” will not qualify as Grey Belt.

77. As set out above, as part of the GBR and GBS that in order to assess the role of the Green Belt around Little Hallingbury, that it should be treated as a ‘town’. This was no doubt because whether a settlement amounts to a ‘town’ compared with what amounts to a ‘village’ or ‘hamlet’ in any given local plan area will be different. Notably

¹ *Ie Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

there is no suggestion that the NPPF should not be interpreted as excluding larger towns which are 'Cities' either from purpose (a) or (b).

78. It is clear therefore that the definition is aimed at the relative size of the settlements which are separated by Green Belt within the specific plan areas not simply by the fact that despite evidence that a large village might equate to a small town in its area, because it is not called a town means Green Belt purpose (b) does not apply.
79. As noted, it is clear that the GBS and GBR clearly do consider that Little Hallingbury should be treated as a town for GB purposes and that the GB here functions strongly under purpose (b) (*to prevent neighbouring towns merging into one another*).
80. The Parish Council considers therefore that the site is properly still to be treated as Green Belt and it is noted that the applicant makes no suggestion that very special circumstances arise here in order to outweigh the harm by reason of inappropriateness and other harm.
81. Further or alternatively, even if the Council considers that the site is to be treated as Grey Belt it is clear that *all* the other tests set out in NPPF 155 must be met ie:
- (i) The development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across area of the plan'
 - (ii) There is a demonstrable unmet need for the type of development proposed;
 - (iii) The development would be in a sustainable location; and
 - (iv) the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 where they apply.
82. If any one of the above requirements is not met then the exception to Green Belt is not met.
83. There is clearly a question of requirement NPPF 155 (ii) and the Parish Council considers that the site is not in a sustainable location given the absence of reliable public transport links to the site.
84. With regard to the Golden Rules, they apply as set out in NPPF 156 as this is "*major development involving the provision of housing is proposed on....[a site] in the Green Belt subject to a planning*

application” and as a result the developer must show that the following contributions ('Golden Rules') will be made:

- (a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
- (b) necessary improvements to local or national infrastructure; and
- (c) the provision of new, or improvements to existing, green spaces that are accessible to the public.

Heritage

85. The Neighbourhood Plan LAS confirms that [4.1.5] Little Hallingbury Parish contains approximately 60 Historic England listed buildings in total, *“providing the area with a rich historical context”* (see Figure 9). The LAS also notes that the listed buildings are focused *“around Gaston Green, Motts Green, Wrights Green, St Mary’s Church, The George Inn and Little Hallingbury Hall”*.
86. With regard in particular to the area around Motts Green in which the Site is located the LAS describes it at [4.3.2] as one of *“three key heritage areas in the southern extents of the Little Hallingbury Village ” (the others being Wrights Green and Church Green)”* and at [4.3.3] the LAS concludes that in terms of development in Little Hallingbury *“there remains a strong sense of historic integrity surrounding the key heritage areas”*.
87. The applicant’s Landscape Assessment notably confirms the major adverse impact upon Wrights Lane and to the properties along it see [6.4.3] *Wright’s Green Lane is lined with properties to the north-east of the site extending the settlement edge towards Motts Green (Braemar, Fernside, Cornfields and Chelsea). Large, scattered properties are also located to the south of the site either, side of Motts Green (Motts Green Cottage, Chestnut Cottage, Walnut Tree Cottage, The Cottage, Three Acres, and Thatched Cottage). As with the road users, due to their proximity to the proposed development a degree of change would be noticeable, particularly for those properties overlooking gaps in vegetation in the north-east corner.”*
88. The applicant’s Heritage Assessment (‘the HA’) identifies the 7 listed buildings close and surrounding to the Site (ie Chelsea – Grade II listed (list entry 1111992) Pump on Green to South of Chelsea – Grade II listed (list entry 1322683) Chestnut Cottage – Grade II listed (list

entry 1111993) 1 The Cottages – Grade II listed (list entry 1322684)
Motts Green Cottage – Grade II listed (list entry 1111994) Thatch
Cottage – Grade II listed (list entry 1111995) Old Forge – Grade II listed
(list entry 1112031)).

89. The evidence objectively shows that the setting of these buildings must be affected by their historical rural context reflected by the open area formed by Motts Green Wrights Lane and the site, when it comes however to assessing the settings of each of these 7 listed buildings (and thereafter the contribution their settings make to each of the listed buildings) it is clear that the HA deliberately seeks to limit the settings of each of them to their immediate holdings and the buildings themselves so as to exclude the site from their settings. It goes out of its way to argue that the significance of each of them is directly related to the historical fabric even where the HA is forced to include land outside the historical fabric as part of the setting of certain LB's the HA , only Motts Green is mentioned.

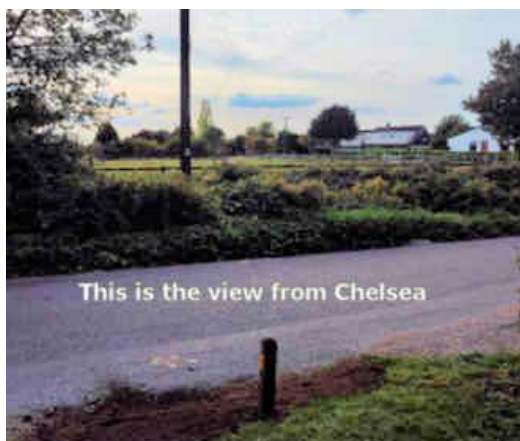
90. The proposed development would completely destroy the settings of the seven listed buildings located around the edge of Motts Green. The open space around the hamlet positions the heritage buildings in the landscape and maintains the feel of continuity over time. All seven are low, traditional buildings which enjoy either full or partial views across the open space of Camps Field. Erecting modern two storey structures will destroy their settings, and allow the area to be dominated by a tightly packed roofscape.

91. This plan shows the locations of the listed building relative to the site.

- 1 – Chelsea
- 2 – Pump on the green
- 3 - Motts Green Cottage
- 4 – Thatched Cottage
- 5 – Old Forge
- 6 – Chestnut Cottage
- 7 – The Cottages



The photos below show the views of the site from each of the seven locations



This is the view from Chelsea



This is the view from the Pump on the Green



This is the view from Motts Green Cottage



This is from the garden of Thatched Cottage



92. As set out in the NPPF
“Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”

93. The Guidance provided by Historic England (which receives only brief mention in the HA) (see GPA 3) confirms that the contribution of setting to the significance of a heritage asset *“is often expressed by*

reference to views” i.e. inter visibility between a heritage asset and an area of land/site as well as views of both the asset and the subject site. This is part of how the asset is ‘experienced’ in heritage terms.

94. It is clear that the applicant’s HA seeks to ignore the findings of the Landscape Assessment with regard to visual impact from the development of the site on the same properties. It is both partial and flawed.
95. In short it is plain to the Parish Council that the site does form part of the historical rural setting of the listed assets and that the significant of all these assets will be negatively affected by the proposal.
96. As such s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged and the Council is required to exercise its duty under this provision when deciding this application. This means that “*considerable importance and weight*” must be given to the desirability of preserving the setting of a heritage asset and to any harm which is caused to the asset by a development as a matter of law².
97. The Council should seek the views of its own heritage experts but given the importance of this case, the Parish Council is in the process of having a Heritage Assessment carried out on the seven listed buildings in the immediate area of the site, which will further assist in addressing the harm that would arise as a consequence of the proposal.
98. It is further noted that the applicant’s HA at [5.21] does in fact recognise that harm will arise “*through bringing the settlement edge closer to heritage assets along Wrights Green Lane*” and also that this amounts “*adverse change*” to the “*openness and rurality*” of their settings. But suggests that it “*will still be maintained*” and that the harm is “*negligible*”.
99. This clearly is at odds with the HA’s earlier efforts to suggest that the settings of the assets do not involve land outside of their immediate built form (save for one) and further underlines the flawed and partial nature of the HA. In addition, despite this finding of harm/failure to preserve the setting of these assets at [6.1] the HA states the proposal

² see East Northamptonshire District Council v Secretary of State for Communities and Local Government [2015] 1 W.L.R. 45; Jones v Mordue [2016] 1 W.L.R. 2682

“will not result in harm to the significance of any of the listed buildings as there will be no impact on the experience of the listed buildings, or on the ability to understand or appreciate their significance”.

100. The Parish Council considers that there clearly will be harm to the listed buildings from the development being proposed within their setting. The Parish Council considers that both collectively and individually that harm will give rise to a strong reason to refuse this application.
101. To the extent that the harm is either substantial or less than substantial then the Council will need to weigh the benefits of the development against that harm as set out in the NPPF.
102. The Parish Council considers that the effect of the development however is strong enough to disengage any tilted balance (as per NPPF 11(d)(i)) and also that the site is unsuitable and the development unsustainable.

Flood Risk

103. The Parish Council has looked carefully at the Environmental Agency's Flood Risk Assessment Map and compared this with the version shown in the applicant's Flood Risk Assessment at Fig 5.
104. It is clear that the EA's map (see below) shows that the area proposed for the access to the development off Lower Road in fact lies within the highest flood risk zone, Flood Zone 3 and that the narrow gap between the far western corner of the site and Flood Zone 3 edge of the application site and the neighbouring property, white Oak on Lower Road, upon which the applicant relies to provide the access outside of any flood zone, does not exist.
105. As such the FRA is misleading and its credibility in question (see PPG ID: 7-021-20220825) and flood risk relating to this site and this proposal needs to be reconsidered.

Environment Agency Pre March 2025 Zones 2 and 3 Flood Map



106. Further this means that the applicant cannot demonstrate that *"no built development within the site boundary, including access or escape routes, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)"* as required by NPPF 175. Therefore, a sequential test to this proposal is required to be carried out in order to demonstrate that *"it is not possible for development to be located in areas with a lower risk of flooding"*.

107. In the absence of the carrying out and satisfaction of the sequential test the Council must not assume that there are no “*reasonably available sites appropriate for the proposed development*” (see NPPF 174) and the development cannot be permitted.

108. It is also clear that the Environment Agency needs to be consulted by the Council in respect of this application.

Ecological Impact and BNG

106 . It is noted that the Applicant cannot provide on site BNG
but has to rely upon off site improvements. This is further indication that
this development performs badly in sustainability terms.

- 106 The EIA desk study (Section 3.4.1) revealed four statutory designated sites within the search area: Hatfield Forest NNR & SSSI, Little Hallingbury Marsh SSSI, Sawbridgeworth Marsh SSSI and Thorley Flood Pound SSSI and states that the Camps Field site is within the SSSI Impact Risk Zones for each of these sites and Natural England should be consulted on this planning application.
- 107 With regard to the Ecological Impact Assessment ('the EIA') submitted with the application the Parish Council wishes to raise the issue of impact on bats and the suggested mitigation of harm caused to bats as a consequence of the development.
- 108 Bats are European Protected Species under the Conservation of Habitats and Species Regulations 2017. Any disturbance or loss of habitat must be fully justified and mitigated under Natural England licensing criteria.
- 109 The EIA identifies in table 11 a bat activity hotspot in the southwest corner of the site (, precisely where the housing is proposed. This area recorded high volumes of bat species and flight paths, as evidenced by the NEW (Number of bat passes per detector per night) results and heatmap data. Despite this, the developer proposes only the installation of bat boxes as mitigation—an approach that is wholly insufficient given the ecological significance of the site.
- 110 The NEW Bat survey results within the EIA show consistent bat activity across June, July, and August, with a mean NEW of 4.3–4.5, indicating regular use of the site by multiple species.
- 111 The heatmap clearly identifies the southwest corner as a key foraging and commuting zone, likely due to its proximity to hedgerows, open fields, and tree cover.
- 112 Bat boxes do not replicate the ecological function of open flight corridors, foraging grounds, or roosting habitats.
- 113 The loss of this hotspot to housing will result in **direct habitat destruction**, fragmentation of flight paths, and potential disturbance from lighting and human activity.

- 114 No evidence is provided in any event that the proposed bat boxes will be appropriately located, monitored, or maintained to support displaced populations.
- 115 The EIA (Para 2.5.71) indicates that the site falls within an Amber Risk Zone of a District Level Licensing scheme for Amphibians administered by Natural England, and that 4 records of 10 animals of GCN Triturus cristatus have been discovered within 0.6km of the site.
- 116 The EIA (Para 2.5.73) further states that a network of approximately ten ponds was identified within 250m of the Site, the nearest of which was located approximately 35m from the southern site boundary.
- 117 In view of the above statements, it is highly likely that GCN may be present in the nearest pond. Although this is outside the site its close proximity means that it would be highly susceptible to contamination from building work. This pond should be surveyed for the presence of GCN before the application is reviewed.
- 118 . As such it is clear that the development in the absence of a robust and suitable mitigation strategy would conflict with:
- **NPPF Paragraph 180:** which requires avoidance of significant harm to biodiversity.
 - **Local Plan Core Policies 38, 39 and 40** on ecological networks and protected species
 - **Policies ENV13 and ENV14** in the emerging Little Hallingbury Neighbourhood Plan objectives for biodiversity and landscape connectivity.

ANNEX 1

PARISH COUNCIL PROPOSED CONDITIONS AND PLANNING OBLIGATIONS WITHOUT PREJUDICE TO OBJECTION:

This document sets out the Parish Council's planning comments submitted without prejudice to its strong objection to the proposal.

In the event that application UTT/25/2181/OP is approved the Parish Council considers that the following recommended planning conditions, mitigation measures, and governance safeguards should be imposed on any planning permission:

Contents

1. Design and Appearance

The development needs to align with the Little Hallingbury Design Code and recommendations for layout, materials, and landscape integration.

2. Light Pollution and Residential Amenity

Risks to wildlife and dark skies, with recommendations for compliant lighting strategy.

3. Management of Communal Spaces and Infrastructure

Governance risks, affordability concerns, and planning recommendations for oversight and transparency.

4. Road Adoption and Long-Term Stewardship

There are concerns about the governance and ongoing maintenance of the internal road network.

5. Management and Stewardship of the Play Area

Safety, accessibility, and financial implications, with recommendations for planning conditions.

6. Housing Mix – Local Needs and Missed Opportunities

Evidence of demand for smaller homes and recommendations for revised mix to support downsizing and first-time buyers.

1.Design and Appearance – Alignment with the Little Hallingbury Design Code

The development needs to align with the Little Hallingbury Design Code (see below) and recommendations for layout, materials, and landscape integration which need to be followed.

Area Placement

Concerns about location, safety, ecological integration, and recommendations for compliant design.

Green Infrastructure and Connectivity

Need for continuous ecological corridors and amphibian-friendly features.

Retention Basin and SuDS Integration

Recommendations for multifunctional design and biodiversity enhancement.

Road Layout and Character

Observations on suburban form and recommendations for rural character alignment.

The condition should require at reserved matters stage that the development be assessed against the principles set out in the Little Hallingbury Design Code (2024), which was developed to safeguard the parish's rural character, heritage assets, and landscape identity. The Design Code emphasises:

- Low-density layouts that reflect the village's dispersed settlement pattern*
- Modest building heights, typically no more than two storeys, to preserve views and avoid visual dominance.*
- Traditional materials and detailing, including brick, render, clay tiles, and timber features that harmonise with existing vernacular architecture.*
- Green infrastructure integration, with hedgerows, native planting, and informal open spaces forming part of the street scene.*
- Dark skies preservation, through minimal and downward directed lighting*

The developer's current design proposals do not demonstrate clear compliance with these principles. In particular:

- The layout appears suburban in character, with uniform plot sizes and limited visual permeability.*
- The use of materials and architectural detailing is generic, lacking reference to local building traditions.*
- The treatment of boundaries and public realm does not reflect the soft edges and informal transitions typical of Little Hallingbury's lanes and hamlets.*

As part of any condition a full Design Code Compliance Statement should be required, demonstrating how the development meets the 2024 guidance. This should include:

- Revised layout and massing to reflect local grain and scale.*
- Material palette and detailing aligned with parish character.*
- Integration of green corridors and hedgerow boundaries*
- Lighting strategy that supports dark skies and biodiversity*

Without this alignment, the development risks undermining the parish's distinct identity and contravenes Core Policy 41 on landscape character and design quality.

Play Area Placement

The designated play area is located near the centre-left of the site, but it appears closely bordered by residential plots and internal roads, with limited green buffer or separation. This raises concerns about:

- Noise and safety conflicts with nearby dwellings*
- Insufficient visual and physical enclosure, which may reduce usability and supervision.*
- Lack of ecological integration, missing an opportunity to link play with nature*

Recommendation:

Request a detailed layout that provides a larger, better-buffered play zone, ideally adjacent to green corridors or informal open space, with natural surveillance and biodiversity features.

Green Infrastructure and Connectivity

While green areas and trees are distributed across the site, the plan lacks continuous ecological corridors or hedgerow linkages that would support species movement — particularly for Great Crested Newts and bats.

Recommendation:

Call for a site-wide green infrastructure strategy, including:

- *Hedgerow restoration and connectivity*
- *Native planting along boundaries and internal roads*
- *Amphibian-friendly design features (e.g. dropped kerbs, permeable fencing)*

Detention Basin and SuDS Integration

The detention basin is located at the bottom-left of the site, but its relationship to surrounding landscape and access routes is unclear. It appears isolated, with no obvious ecological enhancement or community function.

Recommendation:

Request that SuDS features be designed as multifunctional assets, combining:

- *Biodiversity value (e.g. wetland planting, habitat creation)*
- *Educational or recreational access (e.g. boardwalks, interpretation signage)*
- *Integration with wider drainage and landscape strategy*

Road Layout and Character

The illustrative internal road network appears uniform and suburban, lacking the informal, lane-like character typical of Little Hallingbury. There's minimal variation in building orientation or plot rhythm.

Recommendation:

Request detailed design at reserved matters stage reflect the Design Code principles, including:

- *Varied building lines and plot widths*
- *Soft boundary treatments (e.g. hedgerows, low walls)*
- *Reduced hard surfacing and increased permeability.*

2. Light Pollution and Residential Amenity

The developer's submission does not adequately assess the impact of artificial lighting on local ecology, landscape character, or residential amenity. Given the site's proximity to open countryside and its location beneath the Stansted flight path, excessive lighting risks:

- *Disrupting nocturnal wildlife, including bats, mammals, and amphibians*
- *Eroding the rural character of Little Hallingbury through urban-style illumination*
- *The development must include a low-impact lighting strategy that respects Little Hallingbury's rural character and supports the community's appreciation of dark skies.*
- *Lighting should be minimised, downward-directed, and time-controlled, especially near habitat corridors and open countryside.*

- The site lies in a location where night-time tranquillity is a valued amenity, and artificial lighting risks eroding both ecological integrity and landscape identity.

Planning Response:

A condition should be imposed requiring a Dark Skies-compliant lighting scheme, with lux level mapping, shielding specifications, and curfews. This should be reviewed in consultation with the parish council and local residents to ensure alignment with community expectations.

3. Management of Communal Spaces and Infrastructure – Governance and Risk

The developer proposes that a privately appointed management company will be responsible for the long-term maintenance of communal infrastructure, including drainage systems and SuDS features. While this may offer operational flexibility, it raises several concerns that must be addressed through planning conditions or legal agreements:

Governance and Accountability Risks

- *No clear structure or timeline for resident control: The documentation does not specify when or how residents will gain democratic oversight of the management company. This risks long-term disenfranchisement and opaque decision-making.*
- *Limited recourse for poor service delivery: Without statutory safeguards or independent review mechanisms, residents may face escalating service charges or inadequate maintenance with little ability to challenge outcomes.*

Affordability and Stewardship Concerns

- *Service charges tied to critical infrastructure: Drainage, lighting, and landscaping are essential to site safety and amenity. Their maintenance must be affordable, transparent, and subject to regulatory oversight—not left to private discretion.*
- *Fragmented land ownership: Retention of residual land parcels by the developer or associated entities may inhibit community-led enhancement, ecological stewardship, or future public adoption.*

Planning Recommendations

To mitigate these risks, the following should be secured via planning condition or S106 agreement:

- *A detailed governance plan outlining the management company's structure, transition timeline to resident control, and dispute resolution mechanisms.*
- *A long-term Landscape and Infrastructure Management Plan, including:*
 - o *Maintenance schedules for SuDS, lighting, green spaces, and accessways*
 - o *Biodiversity enhancement targets and monitoring*
 - o *Public access provisions and ecological connectivity*
- *A financial viability assessment of service charges, with caps or review mechanisms to prevent unaffordable escalation.*
- *A requirement for transparency, including annual reporting to residents and the local authority.*

4. Road Adoption and Long-Term Stewardship

The application does not clarify whether the internal road network is intended for public adoption by the Highway Authority or retained under private management. This ambiguity raises several planning and governance concerns:

Risks of Private Road Management:

- *Access and Maintenance Uncertainty: Privately managed roads may lack guaranteed long-term maintenance standards, leading to deterioration and safety risks.*
- *Resident Liability and Cost Exposure: Without public adoption, residents may bear disproportionate service charges for essential infrastructure, including road surfacing, lighting, and winter gritting.*
- *Emergency and Service Access: Non-adopted roads can complicate access for emergency services, waste collection, and public transport, undermining community safety, and connectivity.*

Planning Recommendations:

- *A condition should be imposed requiring the developer to clarify the road adoption strategy, including:*
- *Whether roads will be constructed to adoptable standards and offered to Essex Highways for adoption.*
- *If private management is proposed, a detailed Road Management Plan should be secured via S106, covering:*
 - *Maintenance schedules and funding mechanisms*
 - *Access rights for emergency and public services*
 - *Transparency and resident control over service charges*

The Parish Council should be consulted on any proposed management structure to ensure alignment with community expectations and long-term sustainability.

This addition would reinforce the Council's broader concerns about infrastructure governance and resident empowerment, while also pre-empting future disputes over access, safety, and cost.

5 Management and Stewardship of the Play Area

The proposed Local Area for Play (LAP) is a key element of the development's public open space, yet the governance and long-term maintenance of this facility remain undefined. Based on the developer's drainage and infrastructure documents, responsibility is expected to fall to a privately appointed management company, raising several concerns:

Governance and Safety Risks

- *No clarity on inspection regimes or liability: The play area will require regular safety inspections, equipment maintenance, and surface upkeep. The absence of a defined statutory framework or public oversight risks inconsistent standards and unclear accountability in the event of injury or equipment failure.*

- *No commitment to inclusive or accessible design: Without public sector involvement, there is no guarantee that the play area will meet accessibility standards or reflect community needs.*

Financial and Operational Burden

- *Service charges may include play area upkeep: Residents could face escalating costs for inspection, insurance, and equipment replacement — with no democratic control over budgeting or prioritisation.*
- *No mechanism for public adoption or parish oversight: The play area remains outside the scope of local authority or parish stewardship, limiting opportunities for community-led enhancement or integration with wider recreational strategies.*

Planning Recommendations

To address these risks, the following should be secured via planning condition or legal agreement:

- *A Play Area Management Plan, detailing:*
 - o *Inspection frequency and safety protocols (e.g. ROSPA standards)*
 - o *Maintenance responsibilities and funding mechanisms*
 - o *Resident access rights and dispute resolution procedures*
- *A commitment to inclusive design, aligned with Fields in Trust and Play England guidance.*
- *A triggered review mechanism, allowing for future transfer of stewardship to the parish council or a community trust if residents seek democratic control.*

6 Housing Mix – Local Needs and Missed Opportunities

The proposed housing mix fails to reflect the well-documented local demand for smaller, more affordable homes that would enable existing residents to downsize or enter the housing market for the first time. Feedback from parish engagement and housing needs surveys consistently highlights:

- *A shortage of 2-bedroom homes and bungalows suitable for older residents wishing to remain in the village while freeing up larger family homes.*
- *Limited opportunities for young adults and first-time buyers to stay in or return to Little Hallingbury due to high prices and lack of starter homes.*
- *A desire for accessible, adaptable housing that supports ageing in place and intergenerational living.*

Uttlesford's Housing Strategy 2021–2026 and emerging Local Plan both emphasise the importance of delivering a balanced mix of housing types and tenures, tailored to local character and demographic need. Local feedback and housing needs evidence consistently highlight demand for smaller, more affordable homes — particularly 2-bedroom dwellings and bungalows — to support downsizing among older residents and provide entry-level options for younger households wishing to remain in the parish.

Planning Response:

The application should include a greater proportion of 2- or 3-bedroom homes, bungalows, and accessible units. This would better align with Core Policy 14 and 40, support local housing mobility, and ensure the development contributes meaningfully to meeting identified parish needs.

