



Department for
Communities and
Local Government

Mr Philip Copsey
David Lock Associates Ltd
50 North Thirteenth Street
Central Milton Keynes
MK9 3BP

Our Ref: APP/C1570/A/14/2219018
Your Ref: ffp014/hj

25 August 2016

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY FAIRFIELD (ELSENHAM) LIMITED ON LAND NORTH EAST OF
ELSENHAM, ESSEX APPLICATION REFERENCE UTT/13/0808/OP**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr David Nicholson RIBA IHBC, who held an inquiry on 23-6, 30 September, 1-2, 7-10 and 21-22 October and 23 November 2014 into your client's appeal against a decision of Uttlesford District Council ('the Council') on 26 November 2013 to refuse outline planning permission for application ref: UTT/13/0808/OP, dated 27 March 2013.
2. The development proposed is outline planning permission up to 800 dwellings including uses in Class C3; up to 0.5ha of Class B employment floorspace within Use Class B1a office and B1c light industry; up to 1,400 sq m of retail uses (Class A1/A2/A4/A5); one primary school incorporating early years provision (Class D1); up to 640 sq m of health centre use (Class D1); up to 600 sq m of community buildings (Class D1); up to 150 sq m changing rooms (Class D2); provision of interchange facilities including bus stop, taxi waiting area and drop-off area; open spaces and landscaping (including play areas, playing fields, wildlife habitat areas and mitigation measures, nature park, allotments, reinstated hedgerows, formal/informal open space, ancillary maintenance sheds); access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul route from B1051 Henham Road, a waste water treatment works access from Bedwell Road, and provision of link road at Elsenham Cross between the B1051 Henham Road and Hall Road with associated street lighting and street furniture; pedestrian, cycle, vehicle and bus routes including streets, squares, lanes and footpaths along with bus stops with associated street lighting and street furniture; provision and/or upgrade/diversion of services including water, sewerage, telecommunications, electricity and gas and related service media, and apparatus including pumping stations, substations and pressure regulators; on-plot renewable energy measures including photo-voltaics, solar heating and ground source heat pumps; drainage works including a waste water treatment works, sustainable urban drainage systems and ground and surface water attenuation

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features; demolition of all existing buildings; associated ground works; and boundary treatments including construction hoardings on land north east of Elsenham, Essex, in accordance with application ref: UTT/13/0808/OP, dated 27 March 2013.

3. On 19 February 2014, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

4. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

5. After the Inquiry, the Inspector, at the emerging Local Plan examination in public ("LP Inspector"), issued a summary on 3 December 2014 followed by a more detailed statement dated 19 December 2014. The Inspector drew the parties' attention to this and asked for any further representations (IR 1.9). The Inspector summarises the LP Inspector's conclusions at IR 3.8-3.21 and the parties' additional representations are summarised by the Inspector at the end of each of their cases. The Secretary of State has carefully considered the LP's Inspector's conclusions and the parties' representations in reaching his decision. As the letter, and the Council's responses, were copied to the parties, the Secretary of State does not consider it necessary to circulate the correspondence, or reproduce it here.
6. The Inspector records at IR 1.10 that he asked for further representations from the parties following the publication of the 2012- based Household Projections: England, 2012-2037 on 27 February 2015 and summarised the parties' responses at the end of each party's case. The Secretary of State has taken into account these matters in reaching his decision.
7. The Secretary of State notes that the Council elected not to present evidence relating to its reasons for refusing the application (IR1.7). The Secretary of State has had regard to this, but agrees with the Inspector that it does not alter the merits or otherwise of this appeal. The Secretary of State agrees with the Inspector that the Council's answers to the questions raised by LS provide background information but have not contributed to his decision (IR 1.7).
8. Following the close of the inquiry, on 19 October 2015, the Secretary of State wrote to the Council seeking further information for the purposes of his consideration of the appeal. This matter was: the number of planning obligations which have been entered into on or after 6 April 2010 which provide for the funding or provision of a project, or provide for the funding or provision of that type of infrastructure for which the Council is seeking an obligation in relation to these appeal proposals. The Council responded on 5 November 2015. Thereafter, the Secretary of State sought further clarification from the Council on whether the s106 agreements were in draft; and why it is considered that the education contributions amount to self-contained infrastructure projects. The

Council responded on 8 December 2015. In reaching his decision on this appeal, the Secretary of State has taken account on this correspondence.

9. In reaching this position, the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in respect of the appeal (IR1.11). The Secretary of State notes that the ES was the subject of full consultation, that no objections or concerns were raised with regard to its adequacy at the opening of the inquiry, but that question were later raised by the Joint Parish Councils Steering Group that there could be flaws in its methodology (IR10.24). The Secretary of State agrees with the Inspector at IR15.1, and is satisfied that the ES and the further information submitted at the inquiry complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the proposals.
10. On 9 May 2016 the Secretary of State wrote to the parties seeking their views on the implications, if any, of the Court of appeal judgment in the cases of *Suffolk District Council v Hopkins Homes Ltd* and *Richborough Estates Partnership LLP v Cheshire East Borough Council & Secretary of State for Communities and Local Government* [2016] EWCA Civ 168.
11. Comments were also invited on :
 - i. Any changes since the inquiry in respect of the development plan;
 - ii. Any changes since the inquiry in respect of the emerging Local Plan and emerging Neighbourhood Plan;
 - iii. The current position regarding the 5 year supply of deliverable housing sites in the area; and
 - iv. Any other material change in circumstances, fact or policy, that may have arisen since the inquiry and which the parties consider to be material to the Secretary of State's consideration of the appeal.
12. Responses were received from the Council, Barton Wilmore (on behalf of Land Securities, David Lock Associates (on behalf of Fairfield, (Elsenham), Great Dunmow Town Council and Gardner Planning on behalf of the Joint Parish Council Steering Group. They were then copied to the parties for further comment. Further comment was received from David Lock Associates, the Council, Great Dunmow Town Council and Gardner Planning. The Secretary of State has taken the representations into account in reaching his decision. As the above correspondence was copied to the parties, the Secretary of State does not consider it necessary to re-circulate the correspondence, or reproduce it here.
13. Correspondence received following the close of the inquiry is set out at Annex A. Copies of this correspondence are available on written request to the address at the foot of the first page of this letter.

Policy considerations

14. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the saved policies of the Uttlesford Local Plan 2005 (LP); the Waste Local Plan; and the Essex Minerals Local Plan 2014.

15. The Council submitted its new local plan, the Uttlesford Local Plan, on 4 July 2014 for independent examination. At the Hearing session on 3 December 2014, the LP Inspector summarised the conclusions that he had reached about the soundness of the emerging LP and cancelled further hearings. On 19 December 2014, the LP Inspector published his further conclusions. Following consideration of these conclusions, the Council withdrew the emerging draft LP on 21 January 2015 and work has commenced on a revised LP. The emerging Local Plan is currently at its Regulation 18 Research and Consultation Stage, and is due to be adopted in December 2017. The Council is currently preparing its Strategic Land Availability Assessment and has published its draft assessment of sites. The Secretary of State notes that the developer has stated that an area of search included land north east of Elsenham.
16. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework”), the associated planning practice guidance (“the Guidance”) and the Community Infrastructure Levy (“CIL”) regulations 2010 as amended.

Main considerations

17. The Secretary of State agrees that the main material considerations in this case are those set out by the Inspector at IR15.2 and 15.4.

Five year housing land supply

Objectively Assessed Needs (OAN)

18. Having given very careful consideration to the Inspector’s analysis of OAN and housing requirement Housing Land Supply (HLS) at IR 15.5-11, the Secretary of State agrees with the Inspector that the figure of 523 dwellings per annum (dpa), which was for the period until 2011, is now out of date (IR 15.6).
19. The emerging LP inspector concluded that it would be reasonable and proportionate to make an upward adjustment to the OAN for housing in the draft LP by around 10% to about 580 dpa. The Secretary of State notes that the Strategic Housing Market Assessment (SHMA) dated September 2015 found an OAN of 568 dpa. However, he notes that this has not been tested, and that objections have been raised to its approach. He also notes representations on the issue of unmet need in the wider Housing Market Area (HMA) needing to be accommodated in Uttlesford; on the impact of London migration, and on the impact of employment at Stansted Airport. However, he considers that these issues were dealt with adequately by the Local Plan Inspector. He agrees for the reasons given by the Inspector that there is no reason to find that the LP Inspector’s assessment of OAN and housing requirement HLS is not reasonable or robust and the best available (IR 15.10-11). Although the figure of 580 dpa has not been tested at a Local Plan Examination and further work needs to be undertaken by the Council in respect of the appropriate increase to be applied, the Secretary of State considers that the LP Inspector had before him evidence from the Council and other interested parties on OAN, on which he was able to base his conclusions on this matter. As such, despite the appellants’ concerns, the Secretary of State considers that, for the time being, it would be reasonable to accept that the figure of 580 dpa is representative of the OAN in the District and he has accepted it as the best available for the purposes of determining this appeal. He considers that this is proportionate and would reflect market signals. He therefore does not consider that the 675 dpa

proposed by Barton Wilmore, or the 704 figure proposed by Land Securities, are necessary or realistically deliverable.

Backlog/shortfall

20. The Secretary of State has carefully considered the Inspector's analysis of the shortfall at IR 15.12-15.14, the representations received following the close on the inquiry and the LP Inspector's conclusions on the issue in the statement dated 19 December 2014. The Secretary of State agrees for the reasons given by the Inspector that the shortfall should be made up over the next 5 years (IR 15.14) and that there is no reason to depart from the LP Inspector's conclusion on the extent of any shortfall, namely that there is no requirement to add to the OAN to cater for any shortfall calculated against years preceding the 2011 base-year of the plan.

Buffer

21. Having carefully considered the Inspector's analysis of the appropriate buffer at IR 15.15-15.18, and the representations received following the closure of the inquiry, the Secretary of State agrees with the LP Inspector's conclusions in his statement dated 19 December 2014 that housing delivery performance over the past 13 years has not fallen significantly below appropriate targets for the years and, therefore, the buffer does not need to be increased beyond the 'standard' 5%. He has noted the representations stating that a 20% buffer is appropriate. While noting the representations that the adopted LP targets are the correct target figures to adopt, he considers that the appropriate benchmark is the annual figure contained in the Regional Spatial Strategy (RSS) (2008), as before that there were global figures. He considers that while there has been some underdelivery in recent years, delivery has not fallen significantly below appropriate targets for the years in question. He notes that cumulatively targets have been missed only in the last two years. He notes that 554 dwellings have been delivered, and considers that a shortfall of 36 dwellings does not demonstrate underdelivery to the extent that a 20% buffer is necessary, in particular considering the peaks and troughs of the housing market cycle. As he does not find consistent underdelivery, the Secretary of State concludes that a 5% buffer is appropriate.

Affordable housing

22. The Secretary of State agrees with the Inspector, for the reasons given at IR15.19-20 that a shortfall in affordable housing should not mean that a substantially greater target should be set for overall housing need or for establishing whether or not the Council has a 5 year HLS. He concludes that neither the Framework nor the PPG suggest that the affordable housing needs need to be met in full in the OAN, on the grounds that this may produce a figure which has not prospect of being delivered in practice. However, he further agrees with the Inspector at IR15.21 that the benefits of affordable housing weigh heavily regardless of whether or not the Council can demonstrate a 5 year HLS.

Employment

23. For the reasons given by the Inspector at IR15.22 the Secretary of State agrees that employment should carry limited weight in assessing the housing requirement.

Windfalls

24. The LP inspector concluded that the Council's evidence on windfall allowance, at 50dpa, was reliably based upon well-evidenced research and consistent with paragraph 48 of the Framework. The Secretary of State agrees with the Inspector for the reasons given at IR15.23, that the LP Inspector's figure of 50 dpa is as reliable as any.

Lapse rate

25. The appellants consider that a lapse rate of 10% should be applied. The LP Inspector concluded that there was no local or contemporary evidence which would justify the application of a standard lapse rate. The Secretary of State has considered the representations received following the close of the inquiry, and concludes that the position has not changed. The Secretary of State agrees with the Inspector at IR15.24, and considers that there is no evidence to justify a general allowance, or lapse rate, for non delivery.

Class C2 Uses

26. The Secretary of State concludes that 103 class C2 units should be deleted from the supply side when assessing HLS, for the reasons given by the Inspector at IR15.26, and noting the developments at land west of Station Road, Elsenham Land south of Radwinter Road, Saffron Walden, and Former Willis and Gambier, Saffron Walden.

Delivery

27. The LP Inspector concluded that the Council's housing trajectory provides a generally sound view of the years during which deliverable land can be brought forward over the plan period, while the high level of potential completions shown in years 3-5 reflects a generally healthy current land-supply situation, with deliverable sites of various sizes controlled by a wide range of house builders across a good range of locations. The Secretary of State agrees with the Inspector for the reasons given at IR 15.26 that there is no reason to take a different view on delivery from the LP Inspector.

Conclusions on five year HLS

28. For the reasons given at IR15.27, and in paragraphs 18-27 above, the Secretary of State agrees with the Inspector that an OAN of 523 dpa is reasonable, and a balanced uplift of 10% to 580 dpa produces a robust figure. He finds no record of persistent underdelivery, and thus agrees with the Inspector that a buffer of 5% is adequate, and that there is no reason to increase this figure just to meet aspirations for affordable housing, for the reasons given at paragraph 22. He agrees with the Inspector that the level of 50 set for windfalls is appropriate and that there is no need for a lapse rate. He agrees with the Inspector that Class C2 Uses should not have been excluded and an allowance should be made for these, and thus deletes 103 dwellings from the supply figure. The Secretary of State notes that 2015 Housing Trajectory and 5-Year Land Supply republished in November 2015 sets out the most up to date figures relating to the supply of housing in the district, and that this shows a total supply of some 3530, prior to the deletion of C2 uses. The Secretary of State has carefully considered representations on behalf of Fairfield (Elsenham) Ltd stating that in an oral officer report of 9 June 2016 to the Council's Planning Policy Working Group a HLS figure of 4.96 years was given. However, the Secretary of State concludes that as the five year land supply statement figure has not been finalised, the Uttlesford District Council Housing Trajectory and Statement of 5 year Land Supply November 15 is the latest

finalised position. He thus concludes that, the Council can demonstrate a 5 year HLS. He further agrees with the Inspector that taking account of the 2012 household projections adds more weight to the robustness of this figure.

29. As such the Secretary of State agrees with the Inspector that the LP Inspector's conclusion that the Council could demonstrate a generally healthy current land supply situation is consistent with the conclusion that the Council can demonstrate a 5 year HLS (IR 15.28). He further notes the Inspector's comments at IR15.29 that it is unlikely that allowing this appeal would deliver many houses within 5 years and that the Council now prefers smaller sites on account of their faster delivery.

Conclusions on NPPF14

30. The Secretary of State agrees with the Inspector that the presumption in paragraph 14, second bullet point, second strand, of the Framework applies to any relevant policies which are out of date (IR 15.30). For the reasons given at IR15.30, the Secretary of State agrees with the Inspector that LP policies H1 and H2 are out of date. The Secretary of State agrees with the Inspector, for the reasons given at IR15.31 that LP policies S1 and S3 are out of date, and limited weight should be given to conflict with the development limits in these policies.
31. The Secretary of State agrees with the Inspector for the reasons given that only limited weight should be given to LP policies H1, H3, S1 and S3 (IR15.35). The Secretary of State has considered the Inspector's conclusions on Policy S7 at IR15.32. However, he disagrees, as he considers that the policy aim of LP Policy S7, to protect the countryside, is consistent with the fifth bullet of Paragraph 17 of the Framework, that indicates the intrinsic character and beauty of the countryside should be recognised, while supporting thriving communities within it. He therefore attaches significant weight to this.

The effect of the proposals on:

(a) Prematurity

32. The Secretary of State agrees with the Inspector at IR15.66, that as the emerging LP has been withdrawn it can no longer be considered as at an advanced stage and so there is no justification for dismissing the appeal on the grounds of prematurity.

(b) Character and appearance

33. For the reasons set out by the Inspector at IR15.67-68, the Secretary of State concludes, in agreement with the Inspector at IR15.69, that the development would cause harm to both the landscape and to views across it, and would do so over a lengthy construction period contrary to LP Policy S7. He also agrees with the Inspector that limited weight should be given to the conflict with policies S1 and S3 (IR 15.69).

(c) Best and Most Versatile (BMV) agricultural land

34. The Secretary of State agrees with the Inspector for the reasons given at IR 15.70 that the loss of BMV land caused by the development would be contrary to LP policy ENV5 and this weighs against the proposal. He gives limited weight to harm through the loss of BMV agricultural land and to conflict with LP Policy ENV5 as there are no substantial areas of lower grade land close to existing settlements in Uttlesford.

(d) Transport sustainability/accessibility

35. The Secretary of State has carefully considered the Inspector's analysis at IR15.71-76, and conclusion at IR 15.94 and agrees with the Inspector for the reasons given that even a 10% modal shift, if achieved, would still involve a significant increase in traffic on local roads (IR 15.94).

(e) Traffic impacts/free flow of traffic

36. The Secretary of State has carefully considered the Inspector's analysis of traffic impacts/free flow of traffic (IR 15.78-15.92), conclusions on journey times (IR 15.93) and conclusions on highways strategy (IR 15.94-15.99). The Secretary of State agrees with the Inspector for the reasons given that while the impact on Stansted Mountfitchet would be significantly less than the LP Inspector anticipated, for similar reasons, it would still be substantial (IR15.96).

37. The Secretary of State has carefully considered the Inspector's analysis of the benefits of public transport improvements (IR15.97-98). The Secretary of State agrees with the Inspector that the likely extent of shift in traffic from Stansted Road to Hall Road does not show that significant impact on Stansted Mountfitchet would be averted. He agrees with the Inspector that the probability is that this would amount to substantial harm. However, he agrees with the Inspector that as there would probably be a useful modal shift and as there is limited evidence of increased risk to highway safety that the residual cumulative impacts on sustainable transport modes, highway safety, and the transport network when taken as a whole would not reach the threshold of severe such that the development should be prevented on transport grounds alone (IR15.98).

38. The Secretary of State agrees with the Inspector at IR15.99 that even if the increase in congestion would not amount to a severe impact, it remains the case that the scheme would bring significant volumes of additional traffic to a village at a significant distance from employment and services. The Secretary of State further agrees with the Inspector that it is unlikely that traffic could be accommodated on the surrounding roads, contrary to LP Policy GEN1, and that this weighs heavily against the scheme (IR 15.99).

(f) Countryside Protection Zone (CPZ)

39. The Secretary of State agrees with the Inspector, for the reasons given (IR15.100), that there is no evidence that the scheme would result in harm to the characteristics of the CPZ, and that thus there would be no conflict with LP Policy S8.

Design

40. The Secretary of State has carefully considered the Inspector's analysis of design at IR15.101-102. The Secretary of State agrees with the Inspector for the reasons given that overall and bearing in mind the outline nature of the proposals only modest weight should attach to the benefits of good design, which would accord with LP policy GEN2 and paragraphs 56, 59 and 61 of the Framework.

Benefits

41. The Secretary of State has given careful consideration to the Inspector's analysis of benefits at IR15.103. The Secretary of State concludes, in agreement with the

Inspector, that the provision of affordable housing would be of substantial benefit, even though he concludes that the Council can demonstrate a 5 year HLS. He agrees with the Inspector that the weight to be attached to the benefit of the provision of market housing should be reduced, given the 5 year HLS, and further reduced because the benefits to increased housing within 5 years will be less, for the reasons given by the Inspector at IR15.103. He also attaches moderate weight to the economic benefits of the scheme, through both construction and by increasing the number of residents of the area.

Sustainable development

42. The Secretary of State agrees with the Inspector's analysis of the three dimensions of sustainable development in Paragraph 7 of the Framework at IR15.105-6.

Conditions and Obligations

43. The Secretary of State has considered the Inspector's comments at IR13 and IR13.5-6 on planning conditions and the schedule of conditions he recommends at Appendix C of his report. The Secretary of State is satisfied that the proposed conditions are reasonable and necessary and would meet the tests of paragraph 206 of the Framework. However, the Secretary of State does not consider that the conditions would overcome his reasons for dismissing the appeal.

44. The Secretary of State has carefully considered the s106 agreement, the Inspector's analysis at IR14.1-14.2 and IR 14.6-14.7, national policy set out at paragraphs 203-205 of the Framework, the relevant PPG, and the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

45. The Secretary of State agrees with the Inspector for the reasons given that the covenants and obligations within the s106 agreement comply with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.

46. The Secretary of State observes that the date of the planning obligation and the date of the Inspector's Report both pre-date the commencement of CIL regulation 123 (as amended). On 19 October 2015 the Secretary of State wrote to the Council to clarify that the proposed planning obligations conform with the CIL Regulations 2010, Regulation 123(3) as amended, concerning limitations on the use of planning obligations in the determination of planning applications and appeals.

47. Regulation 123(3) falls to be considered in relation to primary education provision at Elsenham. The Council advise that the scheme provides for a site on the development site for a primary school and to provide a financial contribution which will ensure that a new primary school is constructed. Therefore, the Council consider that this is a standalone infrastructure project and confirm that the use of pooled contributions would not be required with other contributions already secured for the area being used to deliver an extension to the existing primary school which is not on the appeal site. Having carefully considered the evidence and the Council's responses on this issue, the Secretary of State agrees with the Council for the reasons given in their responses and considers that they are contributions for site specific projects.

48. However, the Secretary of State does not consider that the s106 agreement overcomes his reasons for deciding that the appeal should be dismissed for reasons which are unrelated to the adequacy of the section 106 obligations, as set out in this decision letter.

Balance

49. The Secretary of State agrees with the Inspector's analysis of the planning balance at IR 15.104.

Overall Balance and Conclusions

50. In deciding this appeal, the Secretary of State has had regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Secretary of State agrees with the Inspector's conclusions on the development plan at IR 15.107. Having regard to these and to all other relevant matters, the Secretary of State concludes that the proposal does not comply with the development plan as a whole because of the identified conflict with LP policies S7 and ENV5. The Secretary of State has then gone on to consider whether there are any material considerations that would justify deciding the case other than in accordance with the development plan.

51. The Secretary of State agrees with the Inspector that the LP housing policies written to apply until 2011 are now out of date (IR 15.108). He agrees with the Inspector that the LP policies which refer to development limits and boundaries, such as policies S1 and S3, are in conflict with the Framework and should be given limited weight (IR 15.108). He agrees with the Inspector that other saved LP policies should be afforded weight in line with Paragraph 215 Framework (IR 15.108), and he affords them moderate weight given their partial consistency with the Framework.

52. The Secretary of State has carefully considered the Inspector's overall conclusions (IR 15.108-15.112.) He agrees with the Inspector and gives substantial weight to the provision of affordable housing (IR15.110). He agrees with the Inspector that the provision of market housing would have attracted significant weight, but he reduces this to modest weight as he has concluded that the Council have established a 5 year HLS, and because only a proportion of the housing will be completed in the first five years (IR 15.110). He agrees with the Inspector and attaches moderate weight to the economic benefits offered by the proposal and limited weight to the potential for good design (IR15.108). Against this, the Secretary of State weighs the harm to the character and appearance of the countryside, to which he attributes limited weight. He agrees with the Inspector and gives limited weight to the loss of BMV agricultural land (IR 15.110). The Secretary of State agrees with the Inspector that the substantial impact on the surrounding road network weighs heavily against the proposal (IR15.111). He gives significant weight to the conflict with Policy S7, and further limited weight to the conflict with Policy ENV5.

53. The Secretary of State concludes, in agreement with the Inspector (IR15.111) that the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (IR 15.111) and as such the proposal does not amount to sustainable development. The Secretary of State therefore concludes that the appeal should fail.

Formal Decision

54. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses the appeal and refuses planning permission for up to 800 dwellings including uses in Class C3; up to 0.5ha of Class B employment floorspace within Use Class B1a office and B1c light industry; up to 1,400

sq m of retail uses (Class A1/A2/A4/A5); one primary school incorporating early years provision (Class D1); up to 640 sq m of health centre use (Class D1); up to 600 sq m of community buildings (Class D1); up to 150 sq m changing rooms (Class D2); provision of interchange facilities including bus stop, taxi waiting area and drop-off area; open spaces and landscaping (including play areas, playing fields, wildlife habitat areas and mitigation measures, nature park, allotments, reinstated hedgerows, formal/informal open space, ancillary maintenance sheds); access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul route from B1051 Henham Road, a waste water treatment works access from Bedwell Road, and provision of link road at Elsenham Cross between the B1051 Henham Road and Hall Road with associated street lighting and street furniture; pedestrian, cycle, vehicle and bus routes including streets, squares, lanes and footpaths along with bus stops with associated street lighting and street furniture; provision and/or upgrade/diversion of services including water, sewerage, telecommunications, electricity and gas and related service media, and apparatus including pumping stations, substations and pressure regulators; on-plot renewable energy measures including photo-voltaics, solar heating and ground source heat pumps; drainage works including a waste water treatment works, sustainable urban drainage systems and ground and surface water attenuation features; demolition of all existing buildings; associated ground works; and boundary treatments including construction hoardings on land north east of Elsenham, Essex.

Right to challenge the decision

55. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

56. A copy of this letter has been sent to Uttlesford District Council. Notification has been sent to all other parties who asked to be informed of the appeal decision.

Yours faithfully

Philip Barber

Philip Barber

Authorised by Secretary of State to sign in that behalf

Annex A

Correspondent	Date
Sir Alan Haselhurst MP	17 November 14
David Lock Associates	12 December 14
David Lock Associates	16 January 15
Barton Willmore	13 March 15
David Lock Associates	23 March 15
Andrew Taylor Uttlesford DC	5 November 15
Harry Jones, David Lock Associates	16 May 16
Hutchinson's on behalf of UDC	June 16
Geoff Gardner, Gardner Planning	20 June 16
Robin Meakins, Barton Willmore	21 June 16
Philip Copsey, David Lock Associates	21 June 16
David Wood, Hogan Lovells	22 June 16
Clerk to Great Dunmow Town Council	27 June 16
Geoff Gardner, Gardner Planning	30 June 16
Philip Copsey, David Lock Associates	1 July 16
Caroline Fuller, Great Dunmow Town Council	1 July 16