



## Appeal Decision

Inquiry held on 21 June – 6 July 2022

Site visit made on 5 July 2022

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 August 2022**

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### **Appeal Ref: APP/C1570/W/22/3291524**

#### **Land at Warish Hall Farm, Smiths Green, Takeley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Weston Homes PLC against the decision of Uttlesford District Council.
  - The application Ref UTT/21/1987/FUL, dated 9 June 2021, was refused by notice dated 20 December 2021.
  - The development proposed is "Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to; light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 26 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes".
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### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. Takeley Parish Council (TPC) was granted Rule 6(6) status under the provisions of the Inquiries Procedure Rules.
3. I heard from TPC that a Heritage Assessment and Audit, dated March 2022<sup>1</sup>, which proposes a Conservation Area based on Smiths Green, was produced in support of the Neighbourhood Plan (NP). However, the NP is at the very early stages of preparation and the parties agreed that as an emerging document undergoing full consultation, it should be afforded very little weight. From my assessment, I have no reason to disagree and have dealt with the appeal on this basis.
4. Following the withdrawal of the Uttlesford Local Plan in April 2020 it was confirmed that the Council is at the early stages of preparing its new Local Plan. The Regulation 18 consultation planned to take place in June/July 2022 has been delayed. Given the new plan is in the very early stages of preparation it carries very little weight in this appeal.

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<sup>1</sup> CD 13.10 Appendix 2

5. The development plan for the area includes the Saved Policies of the Uttlesford Local Plan (2000-2011), adopted in 2005. The policies of the Uttlesford Local Plan which are most important to the proposal under this appeal are agreed<sup>2</sup> as Policy S7 - The Countryside, Policy S8 - The Countryside Protection Zone, Policy GEN6 - Infrastructure Provision to Support Development, Policy ENV2 - Development affecting Listed Buildings, Policy ENV4 Ancient Monuments and Sites of Archaeological Importance, Policy ENV7 - The Protection of the Natural Environment - Designated Sites, Policy ENV8 - Other Landscape Elements of Importance for Nature Conservation, Policy ENV9 - Historic Landscapes and Policy H9 - Affordable Housing. Those of relevance, under paragraph 219 of the National Planning Policy Framework (NPPF), should be given due weight according to their degree of consistency with the Framework, and I return to this matter below.
6. On 7 February 2022, the Minister of State for Housing gave notice that, under powers conferred by section 62A of the Town and Country Planning Act 1990, Uttlesford District Council would be formally designated in respect of applications for planning permission for major development. The direction<sup>3</sup>, which took effect on 8 February 2022, relates to the quality of making decisions by the Council on applications for planning permission for major development under Part 3 of the Act. The decision on the proposal which forms the subject of this appeal was made before the Designation took effect and is in respect of a decision taken by the Council to refuse planning permission for major development following an Officer recommendation to approve.
7. The appellant's witness, John Russell BEng(Hons), CMILT, MIHT, who was going to give evidence on Transport, was not called while Jennifer Cooke and Tim Murphy gave evidence at the "Round Table" session on Heritage for the appellant and the Council respectively, and Charles Crawford, Jacqueline Bakker and Bobby Brown gave evidence at the "Round Table" session on Landscape Character and Appearance for the appellant, the Council and the Parish Council respectively.
8. A signed and dated Planning Obligation<sup>4</sup> by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (S106 Agreement) was submitted by the appellant. This covers a phasing plan, affordable housing, a Prior's Wood Management Plan, public open space provision, Site of Alternative Natural Greenspace provision, a healthcare contribution, a Hatfield Forest contribution, upgrading of the public byway route and pedestrian link provision, submission of a custom build phasing scheme, and the transfer of healthcare facility land. Based on the evidence presented at the Inquiry, I consider that the obligations in the S106 Agreement meet the tests set out in the NPPF and satisfy the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010. I can therefore give the S106 Agreement significant weight and I return to these matters below.
9. In the light of the provisions of the S106 Agreement, the Council confirmed that it was no longer pursuing refusal reason 4 in respect of "a failure to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development". I have dealt with the appeal on this basis although having regard to the concerns raised in representations from interested parties,

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<sup>2</sup> SoCG CD 5.2A

<sup>3</sup> CD 4.10

<sup>4</sup> ID 40

I go on to deal with a number of these issues below under Main Issues and Other Matters.

### **Application for costs**

10. At the Inquiry an application for costs was made by Weston Homes PLC against Uttlesford District Council. This application is the subject of a separate Decision.

### **Main Issues**

11. All of the main parties agreed that the Council is unable to demonstrate a five-year supply of deliverable housing land. The Council's Monitoring Report<sup>5</sup> for 2020/21 identifies a five-year housing land supply of 3.52 years. In which case, paragraph 11d of the NPPF is engaged.
12. Against this background, I consider the main issues to be the effect of the proposal on:
- i. the character and appearance of the surrounding area, including the Countryside Protection Zone,
  - ii. the significance of nearby heritage assets including Warish Hall moated site and remains of Takeley Priory SAM, the Grade 1 listed Warish Hall and Moat Bridge, along with other designated and non-designated heritage assets,
  - iii. the adjacent ancient woodland at Priors Wood, and
  - iv. whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole or whether specific NPPF policies indicate that development should be restricted.

### **Reasons**

#### *Background*

13. The appeal site extends to around 25.15ha and comprises of three main land parcels known as 7 Acres, Bull Field and Jacks. 7 Acres (2.27ha) is made up of the field situated between Prior's Wood to the east and the Weston Group Business Centre to the west. Bull Field (12.1ha) is made up of the field situated west of Smiths Green Lane and bounded by Prior's Wood to the north and to the west and south by properties within North Road, Longcroft (including Roseacres Primary School field), Layfield, Longcroft and Smiths Green. Jacks (2.1ha) is a pasture field located on the eastern side of Smiths Green Lane which separates it from the rest of the appeal site. Abutting the settlement edge to the north of Takeley, the appeal site is mostly flat and level.
14. Within Uttlesford District, Takeley is one of the largest villages and is considered a 'Key Rural Settlement', the highest order of settlement below Stansted Mountfitchet village and the main towns of Great Dunmow and Saffron Walden. As such, Takeley benefits from a number of facilities and services including primary schools, shops and services.

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<sup>5</sup> Para 6.4 SoCG CD 5.2A

15. Proposed is the erection of 188 dwellings to include 76 affordable dwellings and up to 3 No. Custom-build dwellings, along with 3568m<sup>2</sup> of flexible employment space. The proposal would also provide a medical/health facility hub building, an extension to Roseacres Primary School, an extension and enhancement of Prior's Wood, formal and informal open space provision, cycleway and pedestrian links and provision of permissive walking routes. These would be secured via the submitted S106 Agreement.
16. It is proposed to spread the development across 2no. sites, split between three character areas, as follows: Commercial Area (7 Acres); Woodland Neighbourhood/Rural Lane (East and West sections of Bull Field and entrance to Jacks) and Garden Village (Jacks).

#### *Location*

17. Saved LP Policy S7 seeks to restrict development in the open countryside directing it to the main urban areas, the A120 corridor and selected Key Rural settlements, including Takeley. The policy has three strands: firstly, to identify land outside of the settlement limits, secondly, to protect the countryside for 'its own sake', and thirdly, to only allow development where its appearance protects or enhances the particular character of the countryside within which it is set, or if there are special reasons why such development needs to be in that location. It is common ground that the proposal would be located outside the development limits for Takeley as defined by the Uttlesford Local Plan. In this respect, there would be a breach of Policy S7.

#### *Character and appearance of the countryside*

18. While neither the appeal site, nor the surrounding area is a valued landscape, within the meaning of paragraph 174(a) of the NPPF, at the District level it is located within the Broxted Farmland Plateau Landscape Character Area (LCA) as defined in the District level Uttlesford Landscape Character Assessment<sup>6</sup>. This is characterised by gently undulating farmland, and large open landscapes with tree cover appearing as blocks on the horizon and is assessed within the LCA as having a moderate to high sensitivity to change.
19. Prior's Wood within the appeal site, is an area of Ancient and Semi-Natural Woodland while the verge adjoining Smiths Green Lane is designated as a village green<sup>7</sup>. In addition, Smiths Green Lane, north of its junction with Jacks Lane, is designated as a Protected Lane<sup>8</sup> under Local Plan Policy ENV9 (it is identified in the Uttlesford Protected Lanes Assessment as "UTTLANE 166 Warish Hall Road" but it was more commonly referred to at the Inquiry as Smiths Green Lane and it is the latter name that I refer to as "Protected Lane" throughout this Decision). This is a heritage policy and I deal with this below under Heritage Assets. However, some of the criteria underpinning the designation have a landscape dimension and were covered by the landscape witnesses at the Inquiry.
20. Public rights of way that traverse the site and surrounding area include PROW 48\_40 which runs across the site from its western boundary near Parsonage Road through to Bull Field, south of Prior's Wood, PROW 48\_41 which runs across the southern section of Bull Field, PROW 48\_25 which runs along the

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<sup>6</sup> CD 1.95 and 11.4

<sup>7</sup> ID 16

<sup>8</sup> CD 10.16

northern boundary of the eastern field (Jacks) and PROW 48\_21 which runs parallel to the Site's northern boundary, adjacent to the A120 and forms part of the Harcamlow Way – a National Trail connecting Harlow to Cambridge.

21. A Landscape and Visual Impact Assessment<sup>9</sup> (LVIA) by Allen Pyke Associates dated June 2021 was submitted with the planning application. The methodology used in the LVIA is generally compliant with GLVIA3 and identifies 19 visual receptors in respect of this proposal. I have however, in coming to my view, taken account of the appellant's landscape witness evidence<sup>10</sup> both in terms of the review of the submitted LVIA and the conclusions reached on landscape and visual effects, and in finding the area to have a medium susceptibility to change.
22. The development would be built on the edge of the village, extending the built form into the open countryside. Whilst in overall terms the proposal would have little effect on the wider LCA, in local terms the appeal site is part of an open, tranquil environment, notwithstanding the proximity of the airport and the A120, within which the Prior's Wood ancient woodland is experienced. For that reason, it has community value being an "everyday" landscape that is appreciated by the local community. Nevertheless, I agree with the appellant that in terms of that part of the appeal site which comprises 7 Acres and Jacks, it is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.
23. However, with regard to Bull Field (west and central areas), Bull Field (east), Maggots Field and Prior's Wood, these areas of the appeal site are of a more open character and make an important contribution to the semi-rural, agrarian nature of the area to the north of the built-up areas of Takeley and Smiths Green. I observed, notwithstanding the enclosure that is created by the boundary planting, that this part of the appeal site forms a strong demarcation between the countryside and the existing urban development to the south. As such, I consider this part of the appeal site shares its affinity with the countryside with which it forms an integral and functional part.
24. In addition, Bull Field and Maggots Field give a sense of grandeur to Prior's Wood when viewed from the visual receptors of the Protected Lane and PROWs 48\_40, 48\_41 and 48\_25 (where it joins the Protected Lane), providing it with "breathing space" in the context of the existing built development evident in the wider area. By introducing development, albeit of a low density in the area of the Protected Lane (the Rural Lane Character Area), the proposal would reduce views of the woodland to glimpsed views between dwellings across formerly open countryside that would become urbanised. This would be most apparent from PROWs 48\_41 and 48\_25 (where it joins Smiths Green Lane), and the Protected Lane.
25. While I note the existing hedges along the verge of the Protected Lane, I nevertheless consider that the roofs of the proposed dwellings and the new accesses to the development would be apparent from the Protected Lane and the overall built form would be noticeable at night when street lights and other

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<sup>9</sup> CD 1.95

<sup>10</sup> CD 13.3A

lights from the development would be likely to be seen. In addition, the quality of the experience for users of PROWs 48\_40, 48\_41 would be diminished, given the proximity of the proposed housing. It would create an urbanised environment through which the footpaths would pass in place of the current agrarian field, within which and from which, views of Prior's Wood are enjoyed. The urbanising effect of the proposal may be seen from the appellant's submitted LVIA Views and "before and after" visualisations<sup>11</sup>. By so doing, the intrinsic character of the countryside would be adversely affected by the proposal in conflict with LP Policy S7.

26. I have given careful consideration to the appellant's landscape and design evidence, including the revisions to the scheme aimed at reflecting the grain of nearby settlements. I also fully appreciate that the landscape to which the appeal site belongs is not rare, or of exceptional quality, and that the site itself has no particular landscape designation. In this sense I agree that the landscape has a moderate value. However, Bull Field and Maggots form part of the wider open countryside to the north of Takeley and Smiths Green, and are an integral part of the local landscape character. They share their affinity with the countryside. This gives this part of the appeal site a high susceptibility to change, despite the presence of nearby urbanising influences.
27. In my judgement, the development would introduce an urban form of development that would not be sympathetic to the local character and landscape setting, and notwithstanding the mitigating design measures to create green infrastructure and character areas of varying layouts and densities, in the context of Policy S7 and what I heard, I consider that no special reasons have been demonstrated as to why the development, in the form proposed, needs to be there.
28. Against this background, I consider that the proposal would have a significant adverse effect on local landscape character. It would change the intrinsic rural character of the area by introducing built development into a rural setting thereby severing the connection of Prior's Wood with the open agrarian environment to its south. This would be apparent from the Protected Lane and PROWs identified above in paragraph 24, resulting in a significantly adverse visual impact in conflict with LP Policy S7 and NPPF paragraphs 130 and 174b.

#### *Countryside Protection Zone*

29. The appeal site is also situated within the Countryside Protection Zone (CPZ) as defined in LP Policy S8. This is an area of countryside around Stanstead Airport within which there are strict controls on new development, particularly with regard to new uses or development that would promote coalescence between the airport and existing development in the surrounding countryside, and adversely affect the open characteristics of the zone.
30. The 3 areas which make up the appeal site are large pastoral and agrarian fields. 7 Acres and Jacks have planting around their boundaries while Bull Field has Prior's Wood to the north and is open to the Protected Lane on its eastern flank. While the appeal site contributes to the character and appearance of the countryside to the south of the airport, and the CPZ as a whole, it is separated from the airport by the A120 dual-carriageway and sits in close proximity to development in Takeley, Smiths Green and Little Canfield.

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<sup>11</sup> CD 1.95 LVIA Views 3, 4, 5, 6, 7, 8 and 9 and CD 13.3B Figures 5a & 5b, and 5c & 5d

31. My attention was drawn to a number of recent decisions where planning permissions have been granted, both by the Council and on appeal, for housing developments within the CPZ. Nevertheless, taking this proposal on its merits and the site-specific circumstances of the appeal site, in particular Bull and Maggots Fields being within the countryside and open, I consider it would have its character changed by the introduction of new development. In this regard, it would result in a reduction of the open characteristics of the countryside around the airport.
32. In terms of coalescence with the airport, I acknowledge that the proposal would further increase built development between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ. However, the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.
33. Against this background, while the factors set out above would serve to reduce the impact, the proposal would nevertheless result in an adverse effect on the open characteristics of the CPZ in conflict with LP Policy S8.

*Conclusion on the Character and Appearance main issue*

34. Drawing all of these points together, I consider that there would be conflict with LP Policy S7 in respect of the location of the development and the detrimental effect on local landscape character and visual impact. This would result in the proposal failing to protect or enhance the particular character of the part of the countryside within which it is set. In addition, I find the proposal would conflict with LP Policy S8 in terms of the adverse effect on the open characteristics of the CPZ. However, I will consider the weight to be attributed to this policy conflict later in my decision, turning firstly to address the effect on heritage assets.

*Effect on the significance of heritage assets*

35. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) (the Act) states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The 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.
36. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting. Historic England guidance: The Setting of Heritage Assets<sup>12</sup>, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.

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<sup>12</sup> CD 10.1

37. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused.
38. A Heritage Statement of Common Ground (HSoCG) was agreed between the appellant and Uttlesford District Council which identified several heritage assets that would be affected by the proposal as a development within their settings. These are: Warish Hall and Moat Bridge (Grade 1 listed), Warish Hall moated site and remains of Takeley Priory Scheduled Monument (SM), Moat Cottage (Grade II\* listed) and Hollow Elm Cottage, Goar Lodge, Beech Cottage, The Croft, White House, The Cottage, The Gages, Pump at Pippins and Cheerups Cottage (all Grade II listed)<sup>13</sup>.
39. In addition, the Protected Lane, as a non-designated heritage asset, was identified in the HSoCG as being affected by the proposal as a development within its setting. From my assessment of the proposal, I agree with the list of designated and non-designated heritage assets identified by the parties. I deal with each of them below in terms of the effect of the proposed development.
40. *Warish Hall and the associated Moat Bridge*: its significance derives from its architectural and historic interest in terms of the surviving historic fabric and design detailing from the late 13th century, with architectural features indicative of its age and historic function. The setting is well contained within the moated site given the sense of enclosure created by the surrounding mature trees. The contribution of setting to its significance is high given it is part of a planned medieval moated complex but the setting is very much confined within the immediate area of the hall and bridge. In this regard, I consider that the proposal would have no effect on the significance of this designated heritage asset.
41. *Moat Cottage, The Cottage, The Croft, White House and The Gages*: these dwellings are closely grouped within the historic, linear hamlet of Smiths Green. They each are set back from, and sit within, a residential plot with hedgerow boundaries, separated from the road by large open, grass verges. I consider that their significance derives from their architectural and historic interest, dating from around the early 16<sup>th</sup> century and containing fabric and artistic elements from that time.
42. While modern development has intruded into their settings to the east and west, their settings to the north include the open aspect of Bull Field, across its agrarian landscape to Prior's Wood. This makes a positive contribution to their significance. By introducing development into this area, the proposal would fail to preserve the settings of these listed buildings, thereby detracting from their significance.
43. *Hollow Elm Cottage*: located at the northern end of Smiths Green, its significance is predominately derived from its historic, architectural and artistic interest, being one of the earliest buildings in the hamlet. Its setting to the east includes Jacks and beyond that the late 20th century infill development of Little Canfield. The wider setting to the north and west is made up of the open fields

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<sup>13</sup> Paragraph 4.1 CD 5.3A



- of Bull and Maggots, and Prior's Wood. To the south is Jacks Lane and the linear historic settlement of Smiths Green.
44. In particular, Bull Field, Maggots Field and Prior's Wood, serve to give the setting of this designated heritage asset a sense of tranquillity which overall makes a positive contribution to its significance. The proposal, by introducing development into the area to the north and west, would fail to preserve the setting of this listed building, thereby detracting from its significance.
  45. *Goar Lodge and Beech Cottage*: the significance of these heritage assets derives from their historic, architectural and artistic interest as evidenced by the surviving historic fabric. They document the local vernacular through their form, layout, building methods and materials.
  46. Their shared setting is made up of the rural character of the large open grassed areas and verges of Smiths Green Lane. This is apparent when travelling south towards Smiths Green in terms of the transition from the agrarian fields of Bull Field and Maggots to the dwellings of the historic hamlet. This gives the historic context of these listed buildings. While there is an intervening hedgerow between them and Bull Field, it is possible to appreciate the historic rural context to their rear and the setting makes a high contribution to their significance. By introducing development into this area, the proposal would fail to preserve the settings of these listed buildings, thereby detracting from their significance.
  47. *Cheerups Cottage*: the significance of this heritage asset is predominately derived from its historic, architectural and artistic interest as evidenced in some of the surviving historic fabric. As a vernacular building, Cheerups Cottage demonstrates the historic living expectations, building methods and materials available at the time of its construction. Standing at the northern end of Smiths Green, there is both inter-visibility and co-visibility between the listed building and Bull Field which is indicative of the wider historic rural setting which the historic maps show has undergone little change over the centuries.
  48. This forms the majority of the building's setting, adding a sense of tranquillity and making a very positive contribution to the significance of this designated heritage asset. By introducing development into this area, the proposal would fail to preserve the setting of this listed building, thereby detracting from its significance.
  49. *Pump at Pippins*: the pump is a 19th century example of its type. Its significance is drawn from its surviving historic fabric and the evidence it provides of historic living conditions in the area. It stands at the northern end of the hamlet of Smiths Green, close to the junction of Smiths Green and Jacks Lanes, within part of the village green. While there is recent development in the vicinity, the village green and the open countryside to the north and west demonstrate its historic rural context as a focal point of the hamlet. This forms its setting which makes a high contribution to its significance.
  50. Unlike the parties who agreed that there would be no harm arising from the proposed development to the significance of the pump<sup>14</sup> I consider that by introducing development into this area, the proposal would fail to preserve the setting of this listed building, thereby detracting from its significance.

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<sup>14</sup> Paragraph 5.7 CD 5.3A

51. *Warish Hall moated site and remains of Takeley Priory Scheduled Monument*: this scheduled monument includes a priory site situated on high ground, around 2km east of Takeley church. It contains a complete, rectangular moat which is set within a much larger moated enclosure. As a scheduled monument it is an asset of the highest significance and is of particular historical and archaeological importance.
52. The setting of this SM makes a strong contribution to its significance. Like other examples of its type in this part of England it was constructed in the rural landscape. Whilst field boundaries in this vicinity have changed over time and the site itself has become enclosed by mature trees, the fundamental agrarian land use in the vicinity of the SM has remained. The link to Prior's Wood and Bull Field in my judgement, is an important one in terms of setting. It is likely that the Priory had an ownership and functional relationship with the woodland and the SM retains its functional link to these rural features in the surrounding landscape.
53. Notwithstanding the built development in the vicinity including the airport, the A120 and the housing beyond Smiths Green to the south, I consider that this asset can be appreciated and experienced from Priors Wood and Bull Field in terms of the visual and historical functional links, and the tranquillity they provide to the SM. The undeveloped grain of the surrounding landscape character, as part of the asset's setting, makes a positive contribution to its significance.
54. The proposal would erode this character by bringing development closer to the SM within the nearby Bull Field and Maggots Field. The experience of the SM, from its southern ditch, would be adversely altered as the open agrarian landscape would be enclosed by built development. This would be harmful to the significance of the designated heritage asset.
55. In this regard, I agree with Historic England<sup>15</sup> who in its consultation response noted that it is clear that the SM draws a considerable amount of its significance from its setting. In accepting that the SM is compromised by previous development, it still however benefits from long uninterrupted views southwards towards Prior's Wood and Smiths Green. Against this background, Historic England considered there would be less than substantial harm of a moderate to high degree.
56. *Warish Hall Road and Non-Designated Heritage Asset*: the background to this is set out above in paragraph 19 including how it is referred to locally as Smiths Green Lane. For clarity, it is that section of the lane which runs north from the junction with Jacks Lane towards the A120, adjacent to Bull Field<sup>16</sup>. It is protected due to a combination of features identified in the Uttlesford Protected Lanes Assessment (UPLA). These are Diversity, Integrity, Potential, Aesthetic, Biodiversity, Group Value, and Archaeological Association. I have dealt with a number of these under landscape character and visual impact under the first main issue above (character and appearance), assessing the contribution Smiths Green Lane makes to local landscape character and the effect of the proposal upon it as a visual receptor.

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<sup>15</sup> CD 3.1 and CD 3.3

<sup>16</sup> CD 13.2 Appellant's Heritage POE

57. In terms of this main issue, LP Policy ENV9 identifies "Protected Lanes" as part of the local historic landscape. Thus, the Protected Lane falls within the NPPF definition of a "heritage asset" as it has been "identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest".
58. While the parties disputed the extent of the Protected Lane, in my judgement, it encompasses the verges (which are registered as a village green), hedgerows and other features as identified in the evaluation criteria for the Protected Lanes contained in the UPLA. Features such as verges (including those that form part of the village green), hedgerows and ditches/ponds are an intrinsic part of the historical make-up of the Protected Lane and contribute to its significance as a non-designated heritage asset (NDHA).
59. In the wider sense, the lane has a strong visual and functional relationship with the countryside through which it passes, including Bull Field and Maggots Field making it of historic interest to the local scene and imbuing it with a high level of significance. This countryside environment forms its setting and makes a positive contribution to its significance. The proposal, by introducing development into this agrarian setting would be harmful to the rural setting of the Protected Lane by the way in which it would create new vehicular accesses on to it and would bring built form close to its western verge. The urbanising effect of the proposal on the setting of the Protected Lane and the creation of new accesses across the verges, forming gaps in the hedgerows would both directly and indirectly affect the NDHA in conflict with LP Policy ENV9, which can only be justified if "the need for the development outweighs the historic significance of the site".
60. As may be seen from my conclusion on the first main issue, I consider that in terms of landscape character and visual impact, the overall effect of the form, layout and density of the proposal would be harmful, notwithstanding the mitigation measures to be employed. That conclusion takes account of Smiths Green Lane as a landscape component and visual receptor within the overall landscape, noting that in overall terms it has not been demonstrated that the development in the form proposed needs to be there.
61. In my judgement, the consideration of the effect of the proposal on the Protected Lane as a NDHA is more focussed and deals with that stretch of Smiths Green Lane that has NDHA status. As noted above, the proposal has a number of character areas. One of these "The Rural Lane", responds to the rural character of the Protected Lane. In this regard the proposal has gone through several revisions and in the area of the Protected Lane would take the form of a low-density development that reflects the established linear form of Smiths Green Hamlet, along Smiths Green Lane. The proposed large family dwellings would be set back from the lane with a series of driveways serving small clusters of dwellings and have an appearance rooted in the local vernacular.
62. While there would be harm to the significance of the Protected Lane as a NDHA for the reasons given above, it would be mitigated to some extent by the proposed Rural Lane design characteristics regarding density and layout. This would result in a moderate level of harm as the historical significance of the lane as an artery through a countryside environment, though diminished, would still be discernible.

### *Conclusion on the Heritage Main Issue*

63. Taking all of the above together, it is clear that there would be an adverse impact on the significance of several of these designated heritage assets, arising from the failure of the proposal to preserve the settings of the listed buildings and the harm to the significance of the SM arising from development within its setting. This would be in conflict with LP Policy ENV2 which provides that development proposals that adversely affect the setting of a listed building will not be permitted and ENV4 which deals with ancient monuments and their settings.
64. In coming to this conclusion, I have had regard to the appellant's mitigation measures<sup>17</sup>. While it is argued that design, layout, density and planting within the proposal would serve to mitigate its effects, I nevertheless consider that the proposal, by introducing an urbanising influence into the open, pastoral setting of these heritage assets, would be to the detriment of their significance, resulting in less than substantial harm.
65. However, given the majority of significance in each case is derived from their surviving historical form and fabric which will not be affected by this proposal, the resulting harm would be less than substantial. The parties agree that the degree of less than substantial harm is of a low level in the case of Moat Cottage, The Croft, White House, The Cottage, The Gages and Cheerups Cottage and medium in the case of Hollow Elm Cottage. From my assessment, I have no reason to disagree.
66. In the case of Goar Lodge and Beech Cottage, for the reasons given above, I agree with the Council that the proposal would result in a medium level of less than substantial harm. However, unlike the parties who agree no effect on the Pump at Pippins<sup>18</sup>, I consider that the proposal, for the reasons set out above, would cause a medium level of less than substantial harm. In addition, in respect of the Warish Hall moated site and remains of Takeley Priory Scheduled Monument (SM), for the reasons given above, I agree with Historic England and consider the proposal would cause a moderate to high level of less than substantial harm.
67. In any event, whether or not I accept the appellant's findings regarding the degree of less than substantial harm, under NPPF paragraph 202 this harm should be weighed against any public benefits of the proposal, including securing the asset's optimum viable use and this is a matter I return to below.
68. With regard to the Protected Lane (NDHA), LP Policy ENV9 requires the need for the development to be weighed against the historic significance of the site. This is broadly consistent with NPPF paragraph 203 which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal would indirectly affect the significance of the NDHA by introducing development within its setting and directly by creating accesses onto the Protected Lane. In this case however, while the significance of the heritage asset is of a high level, the scale of the harm would be of a moderate nature, given the revisions to the scheme which has reduced the density of development in the vicinity of the Protected Lane.

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<sup>17</sup> CD 13.2

<sup>18</sup> Paragraph 5.7 CD 5.3A

69. Against this is the significant need for housing in an area lacking a deliverable supply of five-year housing land. While the balances under the Policy and the NPPF may differ, I consider that the need for the development would outweigh the significance of the NDHA under LP Policy ENV9 and the moderate harm to significance under NPPF paragraph 203 would be outweighed by the significant benefit of the housing provision arising from the proposal. The proposal therefore, as it relates to the historic interest of the Protected Lane, would not conflict with LP Policy ENV9.

*The effect of the proposal on the adjacent ancient woodland at Prior's Wood*

70. Concerns were raised that the proposal would fail to provide a sufficient buffer between the proposal, including the access road, cycleway and dwellings, and the ancient woodland of Prior's Wood. This arises from the Standing Advice issued by Natural England and The Forestry Commission<sup>19</sup> which recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases.

71. It should be noted that this is a separate concern to that of the effect on Prior's Wood as part of the overall landscape and character and visual impact which I have dealt with above under the 1<sup>st</sup> main issue. In that regard, I have concluded that the proximity of the development to Prior's Wood in place of an open agrarian field would result in harm to the character and appearance of the area, including Prior's Wood. The concern under this main issue is that trees within the woodland itself would be harmed by the proposed development.

72. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Prior's Wood in respect of any resulting loss or deterioration.

73. Indeed, it is common ground between the Council and the appellant<sup>20</sup> that there is no objection to the technical design of the proposal as a result of any impact on trees, and no trees within Prior's Wood are to be removed or would be impacted on directly as a result of the proposed route through the buffer. Moreover, mitigation of the impact on Prior's Wood includes the Woodland Management Plan (which is part of the S106 Agreement).

74. The parties disputed where the buffer zone should be measured from, with the appellant preferring the trunks of the trees on the outer edge of the woodland and the Council, the outer edge of the ditch. Either way, it is agreed that the 15m buffer would be breached by the cycle way along the southern edge of Prior's Wood and a 35m stretch of the access road connecting 7 Acres and Bull Field (referred to at the Inquiry as the "pinch point"). I heard, as agreed in the SoCG, that no trees within Prior's Wood would be removed or would be impacted on directly as a result of the proposed access road and cycle way route within the buffer, including the road layout at the pinch point.

75. In this regard, I agree with the Inspector in a previous appeal<sup>21</sup> concerning an issue with strong similarities to this case where that Inspector noted that

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<sup>19</sup> CD 12.1

<sup>20</sup> Paragraphs 6.28 and 6.31 CD 5.2A

<sup>21</sup> Appeal Decision ref APP/C1570/W/21/3271310 CD 8.8

“some development is proposed within the buffer, through a mixture of road or car parking and re-grading and other landscaping works”. In considering the Standing Advice and the recommendation for a 15m buffer, that Inspector found that there was compliance with what is now para 180(c) of the NPPF. This was on the basis that “no above ground built form is proposed in that area, such as housing” and “the level of incursion is relatively minor”. I consider that the circumstances of this case are very similar.

76. That Inspector also accepted that the development that would take place would be contrary to the Standing Advice, as is the situation in the appeal before me, but went on to note that it had “been demonstrated that there would be no incursions into the root protection area”. From my assessment of this proposal, I consider that there would be no incursion into the root protection area and no harm to trees would result, as set out in the SoCG.
77. In addition, I am content from the submitted written evidence and what I heard at the Inquiry, that neither the proposed road or cycleway within the buffer or proposed housing in the vicinity, would lead to indirect effects on the ancient woodland as identified in the Standing Advice, given the proposed measures set out in the Prior’s Wood Management Plan.
78. Against this background, I consider that there would be no conflict with Policy ENV8, notwithstanding that I have found other policy conflict regarding the effect on Prior’s Wood in respect of landscape character and visual impact harm.

*Whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole or whether specific NPPF policies indicate that development should be restricted*

79. While I have found that the proposal would accord with LP Policies ENV8 and ENV9, and with the submission of the S106 Agreement and withdrawal of refusal reason 4 would not conflict with Policies GEN6, ENV7 and H9, I have nevertheless identified harm arising from the proposal in relation to its location outwith the defined settlement boundary of Takeley, the character and appearance of the area in terms of landscape character and visual impact, the CPZ and the effect on designated heritage assets. In this regard, the proposal conflicts with LP Policies S7, S8, ENV2 and ENV4, which are the policies that go to the principle of the proposed development, and therefore conflicts with the development plan as a whole. Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should only be granted if there are material considerations which outweigh that conflict.
80. As set out above, paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework, but that due weight should be given to them, according to their degree of consistency with the Framework. In addition, it is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing land. Given that the most up-to-date housing land supply position before the Inquiry was 3.52 years, the shortfall is significant. In the light of NPPF paragraph 11d and associated footnote 8, the absence of a five-year supply means that the policies most important for determining this appeal are deemed to be out-of-date.

81. Dealing with each of the policies in turn, Policy S7 is important to the determination of the appeal and is of direct relevance as to whether or not the appeal site would be an appropriate location for development. The parties agreed that the proposal would conflict with the locational strands of the policy, as a result of being outwith the designated settlement boundary. However, the absence of a five-year supply is a situation that has prevailed for a number of years and it is common ground that housing supply will not be addressed until a new local plan is adopted (2024 at the earliest). Although Uttlesford scored well in the 2021 Housing Delivery Test<sup>22</sup>, with a score of 129%, the latest figures published by the Council show that in the next period it fell to 99% and is likely to fall further this year again due to reduced housing delivery in the previous monitoring year 2021/22.
82. The Council accepts that settlement boundaries must be flexible and that Policy S7 must be breached in order for a sufficient supply of houses to be provided. Against this background, I conclude that the conflict with Policy S7, with reference to it defining land outside of the settlement strategy of the plan, should be accorded limited weight. In reaching this view, I have had regard to the previous appeal decisions cited by the parties that reached contrasting views on the degree of weight to be given to breaches of Policy S7 based on the specifics of each of those particular cases.
83. In respect of recognising the intrinsic character and beauty of the countryside, I consider Policy S7, in requiring the appearance of development “to protect or enhance the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”, is broadly consistent with NPPF paragraphs 130 and 174b. Consequently, having concluded that there would be significant landscape character and visual impact harm arising from the proposal without special reasons being demonstrated as to why the development in the form proposed needs to be there, I give moderate weight to this conflict with the last strand of Policy S7, given it is not fully consistent with the NPPF. In reaching this view, I have had regard to the previous appeal decisions cited by the parties that reach contrasting views on the degree of weight to be given to breaches of Policy S7 based on the specifics of each of those particular cases.
84. Turning to Policy S8 and the CPZ, I agree with the Inspector who in appeal ref. APP/C1570/W/19/3243727<sup>23</sup> concluded that Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the ‘protection’ afforded to the CPZ in Policy S8 is not the same as the Framework’s ‘recognition’.
85. Given the policy is not fully consistent with the NPPF and there is a pressing need for deliverable housing land in the District, I consider that the conflict with LP Policy S8 should be given moderate weight. Again, I have taken account of the previous grants of planning permission within the CPZ both by the Council and at appeal. However, I have reached my conclusion on the weight to be given to the conflict with this policy based on the effect of the proposal on the site-specific circumstances of this case.

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<sup>22</sup> SoCG para 6.6 CD 5.2A

<sup>23</sup> CD 8.5

86. Policies ENV2 and ENV4 both concern the historic environment. In the case of the former, while ENV2 does not contain an assessment as to whether any resulting harm is substantial or less than substantial and does not go on to require a balance of harm against public benefits, I consider that as set out the policy is broadly consistent with the NPPF and reflects the requirements of S66(1) of the Act. Nevertheless, while ENV2 requires that planning permission be withheld where there are adverse effects on the setting of a listed building (in this case there would be less than substantial harm to the significance of several listed buildings), paragraph 202 of the NPPF requires that this harm is weighed against the public benefits of the proposal, and it is that balance that I move onto below.
87. In the case of the latter, while the policy itself deals with preserving archaeology in-situ, the explanatory text makes clear that the desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications. Insofar as the policy seeks to preserve an ancient monument in-situ when affected by proposed development within its setting, I consider it is broadly consistent with the Framework. In this case, I have found that the proposal would result in less than substantial harm to the significance of a scheduled monument. However, as with Policy ENV2, paragraph 202 of the NPPF requires that this harm is weighed against the public benefits of the proposal, and it is that balance that I turn to below.

*NPPF paragraph 202 balance*

88. Public benefits in respect of NPPF paragraph 202 will provide benefits that will inure for the wider community and not just for private individuals or corporations. It was not suggested that the proposal is necessary in order to secure the optimum viable use of the designated heritage assets.
89. The appellant did claim however that the proposal would bring public benefits by creating a number of jobs during the construction phase, and through the submitted S106 Agreement by securing the provision of affordable housing, a Prior's Wood Management Plan, public open space provision, Site of Alternative Natural Greenspace provision, a healthcare contribution, a Hatfield Forest contribution, upgrading of the public byway route and pedestrian link provision, submission of a custom build phasing scheme, and the transfer of healthcare facility Land.
90. In my judgement, employment and economic activity during the construction phase would be temporary benefits and many of the S106 Agreement contributions would be necessary to mitigate the impacts of the proposal on local infrastructure, climate and ecology. In which case they attract limited weight.
91. However, the proposed development would provide a mix of private, intermediate and social housing, including bungalows, flats, family dwellings and provision for custom build housing. The dwelling size and tenure mix would provide a balance of different unit sizes which contributes favourably to the supply of dwellings across all tenures. The proposed 188no. dwellings, including 76no. affordable housing units, would help address a shortfall of market and affordable housing delivery and would provide housing in a District where there has been a persistent shortfall in the delivery of five-year housing land supply.



92. It was suggested that the presence of the village green would be a complicating factor as it would need to be de-registered in order for the proposed accesses to be formed. It was noted that the appellant may be able to offer alternative land for a village green in exchange but that the outcome of any process for de-registration was not guaranteed. In this regard, my attention was drawn to several legal judgments on the matter. It was argued that this should reduce the weight given to the provision of housing as there was a question mark over the deliverability of the total number proposed.
93. However, the number of affected dwellings is low, being those accessed from the Protected Lane and would have a very limited impact on the overall number of dwellings provided. Accordingly, I consider that the provision of market and affordable housing, the extension to the Primary School to facilitate its future expansion, the provision of the medical facility, the enhancement to Prior's Wood including 10% extension and measures to secure its longer term management, the new cycleway and pedestrian links, new homes bonus, increased residential spending, the provision of over 4.5 ha of open space and the longer term employment provision from the business park extension are significant public benefits and attract significant weight.
94. Against this, applying section 66(1) of the Act is a matter to which I give considerable importance and weight. In addition, NPPF paragraph 199 states that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be). In this case, less than substantial harm would result from the proposal in relation to Warish Hall moated site and remains of Takeley Priory Scheduled Monument and Moat Cottage, a Grade II\* listed building. Paragraph 200 of the NPPF makes clear that these are assets of the highest significance.
95. Furthermore, less than substantial harm would occur to the significance of Hollow Elm Cottage, Goar Lodge, Beech Cottage, The Croft, White House, The Cottage, The Gages, Pump at Pippins and Cheerups Cottage, all Grade II listed buildings. As pointed out above, the parties, in line with the guidance in the Planning Practice Guidance<sup>24</sup> assessed the harm on a spectrum within less than substantial. I have given my assessment above and in certain instances came to different conclusions to both parties where they found no effect on significance (Pump at Pippins) and found a higher level of less than substantial harm to the appellant (Goar Lodge, Beech Cottage and Warish Hall moated site and remains of Takeley Priory Scheduled Monument).
96. Nevertheless, even where I to agree with the appellant and place the less than substantial harm in the case of Goar Lodge, Beech Cottage and Warish Hall moated site and remains of Takeley Priory Scheduled Monument lower down the spectrum, that would still simply serve to differentiate between "substantial" and "less than substantial" harm for the purposes of undertaking the weighted balancing exercise under the NPPF. Considerable importance and great weight would still be given to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development and to each asset's conservation, respectively. In which case, despite finding the harm in all instances to be less than substantial, the presumption against granting planning permission remains strong. It can be outweighed by material considerations if powerful enough to do so.

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<sup>24</sup> CD 7.4

97. In this case, taking account of the extent of the shortfall in the five-year housing land supply, how long the deficit is likely to persist, what steps the local planning authority is taking to reduce it, and how much of it the proposed development would meet, and giving significant weight in terms of the extent of that shortfall and how much of it would be met by the proposed development, in addition to significant weight to the public benefits identified above, I do not consider these considerations collectively to be sufficiently powerful to outweigh the considerable importance and great weight I give to paying special regard to the desirability of preserving the settings of the listed buildings and the conservation of all of the identified designated heritage assets.
98. Having applied the balance under NPPF paragraph 202 in respect of all of the affected designated heritage assets, I have found that the public benefits would not outweigh the less than substantial harm arising. This means that under NPPF paragraph 11, d), i, footnote 7, paragraph 202 is a specific policy in the Framework that indicates that development should be restricted. Therefore, whether or not a five-year housing land supply can be demonstrated is not determinative in this appeal, and the presumption in favour of sustainable development is not available to the proposal in hand.

#### *Other matters*

99. In reaching my decision I have paid special regard to the legal judgments<sup>25</sup> that were drawn to my attention.
100. The appellant drew my attention to several appeal decisions<sup>26</sup> where housing developments were permitted elsewhere in the District and further afield, which it is claimed considered similar matters to this appeal. Be that as it may, I am not aware of the detailed considerations of those Inspectors on these issues, and in any event, I do not consider them to be directly comparable to the site-specific circumstances of this proposal, as set out above.
101. I have also given careful consideration to the Officer recommendation to approve the proposal, as set out in the Report<sup>27</sup>, when it came before the Council's Planning Committee. However, I consider the proposal would be harmful for the reasons given under the main issues above.
102. It is common ground between the parties that the proposal would not harmfully change the living conditions of the occupiers of nearby dwellings, or of future occupiers of the development, in respect of overlooking, overshadowing, noise, air quality and overheating. In addition, I note that in terms of highway safety, ecology, biodiversity, drainage and flood risk, the Council as advised on these matters by Essex County Council Place Services, County Highways Officer, Highways England, National Highways, Thames Water, Essex County Council Ecology and Green Infrastructure, and Natural England raised no objections, subject to suitably worded conditions being attached to any grant of planning permission. From my assessment, I have no reason to disagree although I consider these matters do not add further, or mitigate, harm rather than being in favour of the proposal.

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<sup>25</sup> CDs 9.1 – 9.9 and IDs 20, 25, 27, 32, 33 and 34

<sup>26</sup> CD 8.1 – 8.14

<sup>27</sup> CD 4.2

103. Moreover, while these matters would accord with saved LP Policies GEN1 Access, GEN2 Design, GEN3 Flood Protection, GEN4 Good Neighbourliness, GEN7 Nature Conservation; GEN8 Vehicle Parking Standards; E3 Access to workplaces; ENV1 Conservation Areas; ENV3 Open Spaces and Trees; ENV5 Protection of Agricultural Land; ENV10 Noise Sensitive Development, ENV13 Exposure to Poor Air Quality, ENV14 Contaminated Land, Policy ENV15 Renewable Energy and H10 Housing Mix, these policies do not go to the fundamental principle of the proposal, being concerned in the main with detailed design matters. They do not alter my conclusion on the Development Plan as a whole, as set out in paragraph 78 above.

### **Planning balance and conclusion**

104. While the proposal would not be harmful in terms of the effect on Warish Hall and the associated Moat Bridge Grade I listed building, the Protected Lane, the trees within Prior's Wood and those matters set out above under other matters, and would bring public benefits including those secured by means of the submitted S106 Agreement, I have identified that the proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, would reduce the open character of the CPZ and would cause less than substantial harm to 11 no. designated heritage assets that would not be outweighed by the public benefits. Accordingly, the proposal would conflict with saved LP Policies S7, S8, ENV2 and ENV4, and NPPF paragraphs 130, 174b and 202.

105. Therefore, there are no considerations before me of sufficient weight to outweigh the totality of the harm arising nor the conflict with the development plan as a whole, giving great weight to the heritage assets' conservation.

106. For the reasons set out above, I conclude that the appeal should be dismissed.

*Richard McCoy*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Brown QC instructed by the Council Solicitor

He called	
Jacqueline Bakker MSc CMLI	Chartered Landscape Architect and a Senior Landscape Architect at GUARDA
Tim Murphy IHBC MCIfA	Historic Environment Manager at Place Services, Essex County Council
Tim Dawes BA (Hons), MRTPI	Planning Director, Planit

### FOR TAKELEY PARISH COUNCIL:

Matthew Dale-Harris of Counsel instructed by Takeley Parish Council

He called	
Bobby Browne, CMLI MALA	Associate at Wynne Williams Associates (Landscape and Character Impacts)
Paul Harris, BSc(Hons) MASP MRTPI	Planning Director at Cerda Planning

### FOR THE APPELLANT:

James Maurici QC instructed by Mr Poole, Weston Homes PLC

He called	
Colin Pullan BA(Hons) DipUP	Head of Urban Design & Masterplanning, Lambert Smith Hampton
Charles Crawford MA(Cantab) DipLA CMLI	Director, LDA Design
Jennifer Cooke BA(Hons) PgDL MA IHBC	Director - Heritage, RPS
Peter Hadfield BSc(Hons) MSc MCIEEM	Director, Ecology Solutions
Richard Hyett MSc, BSc (Hons) MICFor MArborA	Director, Barton Hyett Associates
David Poole, BA(Hons) MA MRTPI	Senior Planning Manager, Weston Homes Plc

### INTERESTED PERSONS:

Richard Haynes BSc	CPRE Essex
Geoff Bagnall	Ward Councillor
Martin Peachy	Local Resident
Dr. Fiona Perrott-Humphrey	Local Resident
Patricia Barber	Parish Councillor
Mike Marriage	STOP The Warish Hall Development Group
Jackie Cheetham	Parish Councillor
Lorraine Flawn	Local Resident
Jim Backus	Parish Councillor

## INQUIRY DOCUMENTS

- 1 LPA Letter of Notification
- 2 Appellant Opening Statement
- 3 LPA Opening Statement
- 4 Rule 6 Party Opening Statement
- 5 Mr Hughes (CPRE) Evidence
- 6 Mr Martin Peachey Evidence
- 7 Dr F.Perrot. Humphry Evidence
- 8 Mr Backus Evidence
- 9 Ms P. Barber Evidence
- 10 Ms Jackie Cheetham Evidence
- 11 Mr G. Bagnall Evidence
- 12 Ms L. Flawn Evidence
- 13 Mr M. Marriage Evidence
- 14 Local Plan News – Timetable Amended
- 15 Defra Guidance – Common Land and town or village greens
- 16 Village Green – VG117
- 17 Application Ref. UTT/19/0604/OP – Decision, Officers Report and Site Plan
- 18 Woodland Trust Comments – 06th May 2022
- 19 Urban Design Presentation [Mr C Pullan]
- 20 Corbett v The Cornwall Council [2021] EWHC 1114 (Admin)
- 21 Letter from Nick Long (SES) to Mr David Poole – 27th June 2022
- 22 Draft Conditions
- 23 Draft S106 Agreement
- 24 CIL compliance schedule
- 25 Milne v Rochdale Metropolitan Borough Council [2001] Env. L.R. 22
- 26 Village Green Authorities
- 27 City & Country Bramshill Limited v SSHCLG [2019] EWHC 3437 (Admin)
- 28 Cost Application on behalf of the Appellant
- 29 Site Visit Map
- 30 Site Visit Itinerary
- 31 Uttlesford Draft LDS 2022
- 32 R. (on the application of Martin) v Folkstone and Hythe DC [2020] EWHC 1614 (Admin)
- 33 Hopkins Homes Ltd v SSCLG [2017] UKSC 37
- 34 R. (on the application of Ewans) v Mid Suffolk DC [2021] EWHC 511 (Admin)
- 35 Council Costs Response
- 36 Appellant Costs Reply
- 37 Closing Submissions on behalf of UDC
- 38 Closing Submissions on behalf of Takeley Parish Council
- 39 Closing Submissions on behalf of the Appellant
- 40 Signed and dated S106 Agreement

## CORE DOCUMENTS

<b>Plans &amp; Documents</b>	
CD 1.1	Dwg. No. WH202_05_P_10 - Site Location Plan
CD 1.2	Dwg. No. WH202_05_P_20 - Site Ownership Plan
CD 1.3	Dwg. No. WH202_05_P_500 Rev A - Countryside Protection Zone Site Plan
CD 1.4	Dwg. No. WH202_10_P_10 Rev B - Master Plan - Character Areas
CD 1.5	Dwg. No. WH202_10_P_20 Rev B - Master Plan - General Arrangement
CD 1.6	Dwg. No. WH202_10_P_21 Rev B - Master Plan - Coloured
CD 1.7	Dwg. No. WH202_10_P_30 Rev B - Master Plan - Strategy_Refuse
CD 1.8	Dwg. No. WH202_10_P_31 Rev B - Master Plan - Strategy_Fire/ Emergency
CD 1.9	Dwg. No. WH202_10_P_32 Rev B - Master Plan - Strategy_Hard Landscaping
CD 1.10	Dwg. No. WH202_10_P_33 Rev C - Master Plan - Strategy_Affordable Housing
CD 1.11	Dwg. No. WH202_10_P_34 Rev C - Master Plan - Strategy_Boundary Treatment
CD 1.12	Dwg. No. WH202_10_P_35 Rev C - Master Plan - Strategy_Parking
CD 1.13	Dwg. No. WH202_10_P_36 Rev B - Master Plan - Strategy_Street Lighting
CD 1.14	Dwg. No. WH202_10_P_37 Rev A – Master Plan – Strategy_Cycle
CD 1.15	Dwg. No. WH202_10_P_38 Rev A – Master Plan – Strategy_Traffic Calming
CD 1.16	Dwg. No. WH202_10_P_40 - Existing Site Plan
CD 1.17	Dwg. No. WH202_10_P_50 Rev B - Proposed Site Plan - Sheet 01 of 04 [Commercial Area]
CD 1.18	Dwg. No. WH202_10_P_51 Rev B - Proposed Site Plan - Sheet 02 of 04 [Woodland Neighbourhood]
CD 1.19	Dwg. No. WH202_10_P_52 Rev B - Proposed Site Plan - Sheet 03 of 04 [Woodland Neighbourhood and Rural Lane]
CD 1.20	Dwg. No. WH202_10_P_53 Rev B - Proposed Site Plan - Sheet 04 of 04 [Rural Lane and Garden Village]
CD 1.21	Dwg. No. WH202_30_P_C.10 - Commercial Area Street Scene

CD 1.22	Dwg. No. WH202_30_P_WN.10 - Woodland Neighbourhood Street Scenes A
CD 1.23	Dwg. No. WH202_30_P_WN.11 - Woodland Neighbourhood Street Scenes B
CD 1.24	Dwg. No. WH202_30_P_WN.12 - Woodland Neighbourhood Street Scenes C
CD 1.25	Dwg. No. WH202_30_P_WN.13 - Woodland Neighbourhood Street Scenes D & E
CD 1.26	Dwg. No. WH202_30_P_RL.10 Rev A - Rural Lane Street Scenes A
CD 1.27	Dwg. No. WH202_30_P_RL.11 Rev A - Rural Lane Street Scenes B
CD 1.28	Dwg. No. WH202_30_P_RL.12 Rev A - Rural Lane Street Scenes C
CD 1.29	Dwg. No. WH202_30_P_GV.10 - Garden Village Street Scenes A & B
CD 1.30	Dwg. No. WH202_30_P_GV.11 - Garden Village Street Scenes C & D
CD 1.31	Dwg. No. WH202_55_P_C.10 - Commercial Units Plans
CD 1.32	Dwg. No. WH202_55_P_C.11 - Commercial Units Elevations
CD 1.33	Dwg. No. WH202_55_P_C.20 - Medical Centre Plans & Elevations
CD 1.34	Dwg. No. WH202_55_P_WN.10 – House Type 1A - Plans & Elevations [WN]
CD 1.35	Dwg. No. WH202_55_P_WN.11 – House Type 2B - Plans & Elevations [WN]
CD 1.36	Dwg. No. WH202_55_P_WN12 – House Type 3A - Plans & Elevations [WN]
CD 1.37	Dwg. No. WH202_55_P_WN.13 – House Types 3B V1 - Plans & Elevations [WN]
CD 1.38	Dwg. No. WH202_55_P_WN.14 – House Type 3B V2 - Plans & Elevations [WN]
CD 1.39	Dwg. No. WH202_55_P_WN.15 – House Type 3C V1 - Plans & Elevations [WN]
CD 1.40	Dwg. No. WH202_55_P_WN.16 – Proposed Plans and Elevations - House Type_3C_V2
CD 1.41	Dwg. No. WH202_55_P_WN.17 – House Type 4A - Plans & Elevations [WN]
CD 1.42	Dwg. No. WH202_55_P_WN.18 – House Type 4B-V1 - Plans & Elevations [WN]
CD 1.43	Dwg. No. WH202_55_P_WN.19 – House Type 4B-V2 - Plans & Elevations [WN]

CD 1.44	Dwg. No. WH202_55_P_WN.20 – House Type 4C - Plans & Elevations [WN]
CD 1.45	Dwg. No. WH202_55_P_WN.21 – House Type 5C - Plans & Elevations [WN]
CD 1.46	Dwg. No. WH202_55_P_WN.50 - Flat Block A - Plans & Elevations [WN]
CD 1.47	Dwg. No. WH202_55_P_WN.51 Rev B - Flat Block B - Plans & Elevations [WN]
CD 1.48	Dwg. No. WH202_55_P_WN.52 Rev A – House Type FOG - Plans & Elevations [WN]
CD 1.49	Dwg. No. WH202_55_P_RL.10 Rev A – House Type 4D* - Plans and Elevations [RL]
CD 1.50	Dwg. No. WH202_55_P_RL.11 Rev A – House Type 5A V1 - Plans and Elevations [RL]
CD 1.51	Dwg. No. WH202_55_P_RL.12 Rev A – House Type 5A V2 - Plans and Elevations [RL]
CD 1.52	Dwg. No. WH202_55_P_RL.13 Rev A – House Type 5B* - Plans and Elevations [RL]
CD 1.53	Dwg. No. WH202_55_P_RL.14 Rev A – House Type 5C* - Plans and Elevations [RL]
CD 1.54	Dwg. No. WH202_55_P_GV.10 Rev A – House Type A1 - Plans and Elevations [GV]
CD 1.55	Dwg. No. WH202_55_P_GV.11 – House Type 2B - Plans and Elevations [GV]
CD 1.56	Dwg. No. WH202_55_P_GV.12 – House Type 2C - Plans and Elevations [GV]
CD 1.57	Dwg. No. WH202_55_P_GV.13 – House Type 3B - Plans and Elevations [GV]
CD 1.58	Dwg. No. WH202_55_P_GV.14 – House Type 3C - Plans and Elevations [GV]
CD 1.59	Dwg. No. WH202_55_P_GV.15 – House Types 4C - Plans and Elevations [GV]
CD 1.60	Dwg. No. WH202_55_P_GV.16 – House Type 4D - Plans and Elevations [GV]
CD 1.61	Dwg. No. WH202_55_P_GV.17 – House Type 5A* - Plans and Elevations [GV]
CD 1.62	Dwg. No. WH202_55_P_10 Rev A - Typical Garages - Plans & Elevations
CD 1.63	Dwg. No. WH202_90_P_10 - Recreational Area/ Commercial Area



CD 1.64	Dwg. No. WH202_90_P_11 - Village Park/ Woodland Neighbourhood
CD 1.65	Dwg. No. WH202_90_P_12 - The Green/ Garden Village
CD 1.66	Dwg. No. WH202_90_P_13 - Village Park Aerial
CD 1.67	Updated Application forms - 06.10.21
CD 1.68	Design and Access Statement - June 2021
CD 1.69	Design and Access Statement Addendum - October 2021
CD 1.70	Planning Statement - June 2021
CD 1.71	Planning Statement Addendum - October 2021
CD 1.72	Affordable Housing Statement - Version 2.0 - October 2021
CD 1.73	Statement of Community Involvement - Version 2.0 - October 2021
CD 1.74	Sustainability Statement - Version 2.0 - September 2021
CD 1.75	Air Quality Assessment - May 2021
CD 1.76	Ecological Assessment - October 2021
CD 1.77	Bird Hazard Management Plan - June 2021
CD 1.78	Woodland Management Plan - October 2021
CD 1.79	Arboricultural Impact Assessment - June 2021
CD 1.80	Arboricultural Response to Comments – 28 <sup>th</sup> September 2021
CD 1.81	Arboricultural Technical Note - Airspading Investigation - October 2021
CD 1.82A	Phase 1 - Desk Study and Preliminary Risk Assessments – 7 Acres – 29 January 2021
CD 1.82B	Phase 1 - Desk Study and Preliminary Risk Assessments – Bulls Field – 3 February 2021
CD 1.82C	Phase 1 - Desk Study and Preliminary Risk Assessments – Jacks – 28 January 2021
CD 1.83	Flood Risk Assessment & SuDS Report - September 2021
CD 1.84	Response to ECC SuDS Comments: Warish Hall Farm, Smiths Green, Takeley - 20th September 2021
CD 1.85	Built Heritage Assessment - June 2021
CD 1.86	Letter - RPS (Ref: JAC27188 Warish Hall Farm) Response to Historic England. Dated: 04.10.21
CD 1.87	Letter - RPS (Ref: JCH01209 Warish Hall Farm) Response to Place Services. Dated: 06.10.21

CD 1.88	Environmental Noise impact Assessment – 14 <sup>th</sup> May 2021
CD 1.89	Letter from SES (SP) to Weston Homes (MP) - Ref: Land at Warish Hall Farm, Smith Green, Takeley, (UTT/21/1987/FUL) - 5th October 2021
CD 1.90	Transport Assessment - June 2021
CD 1.91	Transport Assessment Addendum - October 2021
CD 1.92	Residential Travel Plan - October 2021
CD 1.93	Industrial Travel Plan - October 2021
CD 1.94	Energy Statement - October 2021
CD 1.95	Landscape and Visual Impact Assessment - June 2021
CD 1.96	Letter from Allen Pyke (CR) to Weston Homes (MP) Re: Land at Warish Hall Farm, Smiths Green, Takeley (UTT/21/1987/FUL) Dated: 05th October 2021
CD 1.97	Landscape Strategy - June 2021
CD 1.98	Addendum to Landscape Strategy – September 2021
CD 1.99	Archaeology Desk Based Study Assessment - April 2021
CD 1.100	Letter from Coke Gearing (RC) to Weston Hones (SH) – Site to the rear of Parsonage Road, Takeley – 4 <sup>th</sup> November 2020
CD 1.101	Health Impact Assessment - June 2021
CD 1.102	Land at Warish Hall Farm – Education Note - June 2021
CD 1.103	Housing Typologies Document – October 2021
CD 1.104	Biodiversity Net Gain Report – October 2021
CD 1.105	Bat Survey Report – November 2021
CD 1.106	Ecology Solutions Briefing Note - Place Services Comments - 01.11.21
<b>Superseded plans and documents</b>	
CD 2.1	Dwg. No. WH202_10_P_10 - Master Plan - Character Area
CD 2.2	Dwg. No. WH202_10_P_20 - Master Plan - General Arrangement
CD 2.3	Dwg. No. WH202_10_P_21 - Master Plan - Coloured
<b>Key Consultee Responses</b>	
CD 3.1	Historic England Response – 09.07.2021
CD 3.2	Place Services Heritage Response – 04.08.2021
CD 3.3	Historic England Response – 18.10.2021

CD 3.4	Place Service Ecological Advice – 08.07.2021
CD 3.5	Place Service Ecological Advice – 01.11.2021
CD 3.6	Place Service Ecological Advice – 16.11.2021
CD 3.7	Place Service Ecological Advice – 25.11.2021
CD 3.8	Place Service Archaeological Advice – 02.08.2021
CD 3.9	Place Service Archaeological Advice – 25.10.2021
CD 3.10	Place Service Archaeological Advice – 08.11.2021
CD 3.11	Place Service Historic Building and Conservation Advice – 20.10.2021
CD 3.12	Place Service Historic Building and Conservation Advice – 04.08.2021
CD 3.13	Natural England – 29.07.2021
CD 3.14	Natural England – 27.10.2021
CD 3.15	National Trust – 29.07.2021
CD 3.16	Woodland Trust – 26.07.2021
CD 3.17	Woods under threat – 20.10.2021
CD 3.18	ECC Green Infrastructure – 08.07.2021
CD 3.19	ECC Green Infrastructure – 11.10.2021
CD 3.20	ECC Highways – 29.11.2021
CD 3.21	Highways England – 06.07.2021
CD 3.22	Highways England – 29.07.2021
CD 3.23	National Highways – 22.10.2021
CD 3.24	Landscape Officer – 30.09.2021
CD 3.25	Takeley Parish Council – 19.07.2021
CD 3.26	Urban Design Officer Comments – 16.07.2021
CD 3.27	Urban Design Officer Comments – 19.10.2021
CD 3.28	ECC Infrastructure Planning [Education] Comments - 17.08.2021
<b>Determination Documents</b>	
CD 4.1	Decision Notice – Dated: 20.12.2021 (Ref. No. UTT/21/1987/FUL)
CD 4.2	Officer Report – Dated: 29.11.2021 (Ref. No. UTT/21/1987/FUL)
CD 4.3	Planning Committee Report – 15.12.2021
CD 4.4	Uttlesford District Council Planning Committee Supplementary List of

	Representation – 15.12.2021
CD 4.5	Uttlesford Planning Committee transcript minutes – 15.12.2021
CD 4.6	Uttlesford Planning Committee – 15.12.21 – Printed Minutes
CD 4.7	Application for Land East of Parsonage Road - Committee Report – UTT/21/1488/OP – 17.04.22
CD 4.8	Application for Land West of Garnetts - Committee Report – UTT/21/3311/OP
CD 4.9	Application for Land East of Parsonage Road - Committee Report – UTT/21/1488/OP - Updated - 11.05.22
CD 4.10	Designation under Section 62A of the Town and Country Planning Act 1990
<b>Appeal Documents</b>	
CD 5.1	Appellant’s Statement of Case and appendices (January 2022)
CD 5.2	Appellant’s Statement of Common Ground Version 1.0 (January 2022)
CD 5.2A	Final agreed Statement of Common Ground between Council and Appellant
CD 5.2B	Rule 6 Party response to final agreed Statement of Common Ground
CD 5.3	Heritage Statement of Common Ground – RPS (Draft 2022)
CD 5.3A	Final agreed Heritage Statement of Common Ground between Council and Appellant
CD 5.4	Final Statement of Common Ground on character and appearance between the Council and the Appellant (awaited)
CD 5.5	Uttlesford District Council Statement of Case and appendices (March 2022)
CD 5.6	Rule 6 Party Statement of Case – Cerda (March 2022)
CD 5.7	Draft s. 106 obligation
CD 5.8	Final Agreed Statement of Common Ground on Infrastructure
<b>Development Plan Policies</b>	
CD 6.1	Extract of Uttlesford Local Plan Policy S8 – The Countryside Protection Zone
CD 6.2	Extract of Uttlesford Local Plan Policy S7 – The Countryside
CD 6.3	Extract of Uttlesford Local Plan Policy GEN1 – Access
CD 6.4	Extract of Uttlesford Local Plan Policy GEN2 – Design
CD 6.5	Extract of Uttlesford Local Plan Policy GEN3 – Flood Protection

CD 6.6	Extract of Uttlesford Local Plan Policy GEN4 – Good Neighbourliness
CD 6.7	Extract of Uttlesford Local Plan Policy GEN6 – Infrastructure Provision to Support Development
CD 6.8	Extract of Uttlesford Local Plan Policy GEN7 Nature Conservation
CD 6.9	Extract of Uttlesford Local Plan Policy ENV1 – Conservation Areas
CD 6.10	Extract of Uttlesford Local Plan Policy ENV2 - Listed Buildings
CD 6.11	Extract of Uttlesford Local Plan Policy ENV3 – Open Spaces and Trees
CD 6.12	Extract of Uttlesford Local Plan Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
CD 6.13	Extract of Uttlesford Local Plan Policy ENV5 – Protection of Agricultural Land
CD 6.14	Extract of Uttlesford Local Plan Policy ENV9 -Historic Landscape
CD 6.15	Extract of Uttlesford Local Plan Policy ENV7 - The protection of the natural environment designated sites
CD 6.16	Extract of Uttlesford Local Plan Policy ENV8 - Other landscape elements of importance for nature
CD 6.17	Extract of Uttlesford Local Plan Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft
CD 6.18	Extract of Uttlesford Local Plan Policy ENV13 – Exposure to Poor Air Quality
CD 6.19	Extract of Uttlesford Local Plan Policy ENV14 – Contaminated Land
CD 6.20	Extract of Uttlesford Local Plan Policy ENV15 – Renewable Energy
CD 6.21	Extract of Uttlesford Local Plan Policy H9 – Affordable Housing
CD 6.22	Extract of Uttlesford Local Plan Policy H10 - Housing Mix
CD 6.23	Extract of Uttlesford Local Plan Policy GEN8 - Vehicle Parking Standards
CD 6.24	Extract of Uttlesford Local Plan Policy E3 – Access to workplaces
<b>National Policy</b>	
CD 7.1	The National Planning Policy Framework - 2021
CD 7.2	Planning Practice Guidance – Appeals
CD 7.3	Planning Practice Guidance – Determining a planning application
CD 7.4	Planning Practice Guidance – Historic Environment
CD 7.5	Planning Practice Guidance – Housing and economic land availability assessment

CD 7.6	Planning Practice Guidance – Housing and economic needs assessment
CD 7.7	Planning Practice Guidance – Housing supply and delivery
CD 7.8	Planning Practice Guidance – Natural environment
CD 7.9	Planning Practice Guidance – Open space, sports and recreation facilities, public rights of way and local green space
CD 7.10	Planning Practice Guidance – Design: process and tools
<b>Appeal Decisions</b>	
CD 8.1	Appeal Decision - Land west of Parsonage Road, Takeley (119 dwellings) – 3234530 & 3234532
CD 8.2	Appeal Decision - Land off Isabel Drive and Land off Stansted Road, Elsenham (up to 99 dwellings) 3256109
CD 8.3	Appeal Decision - Land east of Elsenham, to the north of the B1051, Henham Road (up to 350 dwellings) -3243744
CD 8.4	Appeal Decision - Land south of Rush Lane, Elsenham (up to 40 dwellings) - 3242550
CD 8.5	Appeal Decision - South of the Street, Takeley (8 dwellings) - 3243727
CD 8.6	Appeal Decision - Gt Canfield Road, Takeley (135 dwellings) – 3213251
CD 8.7	Appeal Decision - Land to the south of Smith's Green, Dunmow Road, Takeley, Essex (37 dwellings) - 3235402
CD 8.8	Appeal Decision - Land west of Pennington Lane, Stansted Mountfichet (up to 168 dwellings) - 3271310
CD 8.9	Appeal Decision - Land west of Bonningtons Farm, Station Rd, Takeley (34 dwellings) - 3262826
CD 8.10	Appeal Decision - Land north of Canfield Drive, Takeley (up to 80 dwellings) - 3257122
CD 8.11	Appeal Decision - Land north of Bedwell Road, Elsenham (up to 220 dwellings) - 3274573
CD 8.12	Appeal Decision - Land at Moorthorpe Way, Sheffield - 2 March 2021 - 3258555
CD 8.13	Appeal Decision - Stansted Airport [incl Costs] - 26 May 2021 - 3256619
CD 8.14	Appeal Decision - Land to the South of Braintree Road, Felsted - 11 July 2017 - 3156864
<b>Court Decisions</b>	
CD 9.1	Court Decision - R (Filed Forge) v Sevenoaks [2015] JPL 22
CD 9.2	Court Decision - Bramshill v SSCHLG [2021] 1 WLR 5761

CD 9.3	Court Decision - Catesby v Steer [2019] 1 P&CR 5
CD 9.4	Court Decision - Williams v Powys [2018] 1 WLR 439
CD 9.5	Court Decision - Monkhill Limited V Sectary Of State For Housing, Communities And Local Government [2021] PTSR 1432
CD 9.6	Court Decision - Jones v Mordue [2016] 1 WLR 2682
CD 9.7	Court Decision - Palmer v Herefordshire Council & Anor [2017] 1 WLR 41
CD 9.8	Court Decision - Bedford BC v Secretary of State for Communities and Local Government
CD 9.9	Court Decision - LHPGT v Minister for Housing
<b>Heritage Documents</b>	
CD 10.1	Historic England GPA3 The Setting of Heritage Assets (December 2017)
CD 10.2	Historic England GPA2 Managing Significance in Decision-Taking in the Historic Environment (March 2015)
CD 10.3	Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets
NHLE List Entries:	
CD 10.4	Warish Hall and Moat Bridge (Grade 1, NHLE: 169063)
CD 10.5	Warish Hall moated site and remains of Takeley Priory Scheduled Monument (SM) (Historic England Designation No. 1007834)
CD 10.6	Moat Cottage (Grade II*, NHLE: 1112211)
CD 10.7	Hollow Elm Cottage (Grade II, NHLE: 1112220)
CD 10.8	Goar Lodge (Grade II, NHLE: 1168972)
CD 10.9	Cheerups Cottage (Grade II, NHLE: 1112207)
CD 10.10	Beech Cottage (Grade II, NHLE: 1112212)
CD 10.11	The Croft (Grade II, NHLE: 1168964)
CD 10.12	White House (Grade II, NHLE: 1322592)
CD 10.13	The Cottage (Grade II, NHLE: 1306743)
CD 10.14	The Gages (Grade II, NHLE: 1168954)
CD 10.15	Pump at Pippins (Grade II, NHLE: 1112210)
CD 10.16	Uttlesford Protected Lanes Assessment (ECC) March 2012
CD10.17	Reassessment of Warish Hall Protected Lane (166)

<b>Design Documents</b>	
CD 11.1	National Design Guide
CD 11.2	Guidelines for Landscape and Visual Impact Assessment (GLVIA3) (April 2013) (This is a book, usually parties have a copy, NOT INCLUDED IN ELECTRONIC CDs)
CD 11.3	Essex Landscape Character Assessment (2003) Extract Central Essex Farmlands (B1)
CD 11.4	Landscape Character of Uttlesford District Broxted Farmland Plateau (B10)
CD 11.5	Natural England's National Character Area profile 86 South Suffolk and North Essex Clayland
CD 11.6	Uttlesford Countryside Protection Zone Study - LUC
CD 11.7	Landscape Institute Technical Guidance Note 02/21 - Assessing landscape value outside national designations
CD 11.8	East of England Landscape Typology 'Wooded Plateau Farmlands' (Landscape East 2010)
CD 11.9	Landscape Institute Technical Guidance Note – Visual Representation of Development Proposals (17 September 2019)
CD 11.10	Email from JB (Guarda Landscape) to CC (LDA) - Request for visualisations - 13.04.2022
<b>Ancient Woodland Documents</b>	
CD 12.1	Ancient woodland, ancient trees and veteran trees: advice for making planning decisions 14 January 2022
<b>Proofs of Evidence</b>	
CD 13.1A	Appellant Proof of Evidence on Planning Matters [Mr David Poole] - 24.05.2022
CD 13.1B	Appellant Proof of Evidence on Planning Matters - Appendices [Mr David Poole] - 24.05.2022
CD 13.1C	Appellant Rebuttal Proof on Planning Matters [Mr David Poole] – June 2022
CD 13.2	Appellant Proof of Evidence on Heritage Matters - Appendices [Ms Jennifer Cooke] - 24.05.2022
CD 13.2A	Appellant Rebuttal Proof of Heritage Matters [Mr Jennifer Cooke] – June 2022
CD 13.3A	Appellant Proof of Evidence on Landscape Matters – Volume 1: Text & Appendices [Mr Charles Crawford] – 31.05.2022
CD 13.3B	Appellant Proof of Evidence on Landscape Matters – Volume 2: Figures [Mr Charles Crawford] – 31.05.2022.
CD 13.4	Appellant Proof of Evidence on Arboricultural Matters - Appendices [Mr



	Richard Hyett] - 24.05.2022
CD 13.4A	Appellant Rebuttal Proof on Arboricultural Matters [Mr Richard Hyett] – 10.06.2022]
CD 13.5A	Appellant Proof of Evidence on Ecological Matters - Appendices [Mr Peter Hadfield] - 24.05.2022
CD 13.5B	Appellant Proof of Evidence on Ecological Matters - Appendices [Mr Peter Hadfield] - 24.05.2022
CD 13.5C	Appellant Rebuttal Proof on Ecological Matters [Mr Peter Hadfield] – June 2022
CD 13.6	Appellant Proof of Evidence on Urban Design Matters - Appendices [Mr Colin Pullan] - 24.05.2022
CD 13.7	Local Planning Authority Proof of Evidence on Planning Matters [Mr Tim Dawes] – 24.05.22
CD 13.8A	Local Planning Authority Proof of Evidence on Heritage Matters [Mr Tim Murphy] – 24.05.22
CD 13.8B	Local Planning Authority Proof of Evidence on Heritage Matters - Appendices [Mr Tim Murphy] – 24.05.22
CD 13.9A	Local Planning Authority Proof of Evidence on Landscape Matters [Ms Jaqueline Bakker] – 31.05.22
CD 13.9B	Local Planning Authority Proof of Evidence on Landscape Matters _appendix 1 [Ms Jaqueline Bakker] – 31.05.22
CD 13.9C	Local Planning Authority Proof of Evidence on Landscape Matters – Appendix 2-4 [Ms Jaqueline Bakker] – 31.05.22
CD 13.10	Rule 6 Party Proof of Evidence on Planning Matters [Mr Paul Harris] – 24.05.22
CD 13.11A	Rule 6 Party Proof of Evidence on Landscape Matters [Mr Robert Browne] – 31.05.22
CD 13.11B	Rule 6 Party Proof of Evidence on Landscape Matters – Summary of Proof [Mr Robert Browne] – 31.05.22
CD 13.11C	Rule 6 Party Proof of Evidence on Landscape Matters - Appendices [Mr Robert Browne] – 31.05.22