



APPENDIX 3

Appeals relevant to Uttlesford Planning Policies

Objection to development at
Maggotts End, Manuden
(Pelham Spring Solar Farm)

PINS Reference: S62A/22/0011

APPENDIX 3

APPEALS OF DECISIONS MADE BY UTTLESFORD DISTRICT COUNCIL

Appeal No	Date		Site details	Relevant Issue	Outcome
3156864	11 July 2017	Inquiry	Land south of Braintree Road, Felsted	Use of BMV Land in Uttlesford Uttlesford Policy ENV 5	APPEAL DISMISSED
3241109	11th February 2020		Ellan Vannin, Sibleys Lane, Thaxted CM6 2NU	Uttlesford Policy S7	APPEAL DISMISSED
3233508	18 February 2020		Land opposite Monk Street Farmhouse, Monk Street, Thaxted CM6 2NR	Uttlesford Policy S7	APPEAL DISMISSED
3291524	9 August 2022	Inquiry	Land at Warish Hall Farm, Smiths Green, Takeley	Uttlesford Policy S7	APPEAL DISMISSED

3156864

Land south of Braintree Road,
Felsted

11 July 2017

Appeal Decision

Inquiry held on 21 to 24 March 2017

Site visit made on 23 March 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 11 July 2017

Appeal Ref: APP/C1570/W/16/3156864

Land south of Braintree Road, Felsted

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Catesby Estates Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/16/0287/OP, dated 1 February 2016, was refused by notice dated 28 July 2016.
 - The development proposed is described as '*up to 55 dwellings, means of access and associated works, with all other matters (relating to appearance, landscaping, layout and scale) reserved*'.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by Catesby Estates Limited against Uttlesford District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposed scheme has been submitted in outline, with all matters reserved except for access. Upon my opening the Inquiry the main parties agreed that permission is sought in outline, as detailed in the above header. Most of the submitted plans are labelled as 'illustrative', even though some show matters such as landscaping or layout, for example. I have proceeded on the basis that these show possible schemes only, and would not bind the appellant to the specific details shown in an illustrative manner.
4. After the Inquiry, the Supreme Court issued its Judgement in the case of *Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)* on 10 May 2017 [2017] UKSC 37. In the interests of fairness, both main parties were given the opportunity to provide comments on this matter. I only received comments from the appellant on this specific matter.

Main Issues

5. The main issues are:
- i) The effect of the proposed development on the character and appearance of the area, including on the setting of any nearby heritage assets, and;
 - ii) Whether the proposal would represent development of the best and most versatile agricultural land and, if so, is this necessary and have areas of poorer quality been considered in preference to that of a higher quality, and;
 - iii) Whether the Council is able to demonstrate a five year supply of housing land for their area, and;
 - iv) Whether the proposed development would make adequate provision in respect of local infrastructure with specific regard to development plan policies which seek affordable housing, education, highways, health services, public open space, SUDs and monitoring fees.

Reasons

Character and appearance

6. The appeal site is located to the south of Braintree Road which runs on a broadly east to west axis through the settlement of Felsted. It is roughly 2.67 hectares in size. As it lies outside of the settlement boundary for Felsted and given its character and appearance as an agricultural field, it is countryside for planning policy purposes. There are two Public Rights of Way (PROW) that cross the field on an approximate east-west axis; FP48 which is roughly to centre of the site, and FP110 that runs along the southern edge of the site. There is also a PROW that runs along the eastern boundary of the site (FP49) south from Braintree Road and links to FP48.
7. In terms of existing boundary treatments, the site is bounded on most sides by a mixture of hedges and pollarded trees. Beyond the east and south of the site are open agricultural fields; with open agricultural fields a key component of the wider landscape around Felsted. There are some residential properties located to the west and north of the site along on Jolly Boys Lane and Braintree Road. The Felsted Conservation Area lies to the west of the appeal site and includes two dwellings along Jolly Boys Lane, the rear elevations of which face the appeal site.
8. The urban form of Felsted is principally characterised by short spurs centred on culs-de-sac serving a few dwellings or ribbon development along the principal through-roads. This urban form contrasts with a fairly new development close to the west of Felsted off Station Road (known as Flich Green/Oakwood Park, located on the site of a former sugar beet factory), where the dwellings are situated on one side of an existing main road and have a clustered urban form; that is grouped around a number of estate roads rather than a few roads that lead to a specific destination outside of the settlement¹.

¹ For example if you enter at Baynard Avenue you would either leave by that access into the estate or at the junction with Tanton Road – the main purpose of these roads is not to carry passing traffic as it would along a ribbon form of development.

9. Layout is a reserved matter, but the illustrative drawings provide a helpful guide as to how a scheme of up to 55 dwellings might look in practice on the appeal site. The proposal in this case would be accessed from the single access point off- and on-to Braintree Road to serve up to 55 dwellings. What this means in practical terms is that any layout would take an urban form akin to that found at Flitch Green, with a clustered form, rather than the ribbon/short spur feature which is characteristic of the settlement of Felsted of which the appeal site directly abuts on its eastern edge.
10. The Appellant points to an existing development at Chaffix², off Garnetts Lane, which comprises 70 dwellings at a density of about 23.7 dwellings per hectare, which would not be dissimilar to that proposed under the appeal scheme. However, this is an exception to the typical urban form that I saw during my visit to the site, the settlement of Felsted and the wider area. As an exception to the general form found in the settlement of Felsted, this fails to provide justification for any further erosion of the urban form within this settlement. Indeed, the likely layout and urban form that any development of up to 55 dwellings with a single access point off Braintree Road would take on the appeal site points to one that would be at odds with the prevailing pattern of development found in the directly adjoining settlement of Felsted.
11. The second reason for refusal refers to detrimental harm to the character and setting of the conservation area³. At the appeal stage the Council confirmed that it was not seeking to contest this issue at the Inquiry. The statutory duty set out in Section 72(1) of the *Planning Listed Buildings and Conservation Areas Act 1990*, as amended (PLBCA), relates to any building or land within a conservation area. As the appeal site does not lie within the conservation area, the statutory duty is not engaged in this case. However, conservation areas are defined as designated heritage assets within the Framework and it is recognised that heritage assets may have a setting. The impact on the significance of this is relevant when considering the impact of a proposal in the context of the Framework policies.
12. I note the Appellant's evidence which both defines what they consider to be the significance of the conservation area, and the impact of the proposal on this⁴. They conclude that there is no justification for an objection to the proposed development on cultural heritage grounds⁵. With no evidence to the contrary I see no reason not to concur with this assessment and therefore find that the proposal would not result in harm or loss to the significance of the designated heritage asset in the form of the Felsted Conservation Area, within the context of Paragraph 132 of the Framework. For similar reasons, I do not find that the proposal would have any adverse impact on the setting of nearby listed buildings pointed out to me during the site inspection and detailed within the various written evidence, in respect of Section 66(1) of the PLBCA.
13. The appellant suggested at the Inquiry that the proposal was a landscape-led scheme and re-iterates this within their Closing Submissions at paragraph 57, stating '*the appeal proposals are landscape led*⁶ (sic). The parties agree that the site is not designated for its landscape value or scenic beauty nor is it

² APP12 - Chaffix, Felsted development

³ CD3.1 – Decision Notice, UTT/16/0287/OP, dated 28 July 2016

⁴ POE Summary, Stephen Carter

⁵ POE, Stephen Carter, Page 23, para 6.7

⁶ APP25, Closing Submissions on behalf of the Appellant

within an Area of Outstanding Natural Beauty or Green Belt⁷. Nevertheless, it is within the countryside for planning policy purposes. Clearly the change from an open field to built-form would intrinsically alter the character of the appeal site. In doing so, it would result in some limited landscape harm in terms of openness and visual character, as explained in the POE of Mr Rosedale. What is more, with two PROW crossing the site, and others nearby and the location of the appeal site on a principal entry route into the settlement either by vehicle or foot, the change in the appearance of the site would be very noticeable to users of these routes.

14. To a certain, but not absolute, extent the proposal could be mitigated so as to reduce its visual impact on the wider landscape. I am unconvinced that the scheme was entirely landscape-led from inception. Nevertheless, it is clear that the appellant has undertaken detailed work so as to adapt the scheme; for example through the building heights parameter plan, in order to mitigate its impact. What is more, as landscaping is a reserved matter there remains scope for specific details to be agreed at that stage.
15. Be that as it may, the proposal would continue to result in some landscape harm to the countryside and in doing so it is at odds with Policy S7 *Uttlesford Local Plan 2005* (ULP) which seeks to ensure that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. It would also fail to recognise the intrinsic character and beauty of the countryside set out at Paragraph 17 of the Framework, through the loss of an open agricultural field, which is an important component of the countryside around this part of Felsted. This is further exacerbated by the incongruent form the proposal would take in relation to the wider adjoining settlement, as I have considered above.
16. I therefore conclude that the proposed development would have a materially harmful impact on the character and appearance of the area by reason of; its elongated and single access point layout which would be at odds with the prevailing pattern of development within the settlement of Felsted and the harm to openness and visual character of the countryside which cannot be fully mitigated. Accordingly, it would fail to accord with Policy S7 of the ULP, which, amongst other aims, seeks to protect the countryside for its own sake and that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.
17. It would also be contrary to Policies contained within the Framework, which amongst other aims includes taking account of the different roles and character of different areas as set out at Paragraph 17, failing to promote or reinforce local distinctiveness as set out in Paragraph 60 and fail to take the opportunities for improving the character and quality of an area and the way it functions explained in Paragraph 64.

Agricultural Land

18. The appeal site comprises an open field which consists of Grade 2 (81.5%) and Grade 3a (14.8%)⁸, which the glossary of the Framework indicates falls within the category of Best and Most Versatile Agricultural Land (BMVAL). With site specific soil sampling and assessment, I see no reason not to agree with the

⁷ APP1, SOCG, page 15, Para 4.7

⁸ POE, Tony Kernon, Volume 3: Summary of Proof, page 2, paragraph S4

- grading of the land or its inclusion within these grades or the overall BMVAL category.
19. Policy ENV5 of the ULP sets out that *'Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.'*⁹
20. The proposal in this case would not take place on previously developed land, nor would it take place within existing development limits. I acknowledge that the development of the land may be 'required' given my findings on the lack of a five year supply in the next main issue. However, beyond recognising the fact that over 80% of the District is classified as Grade 2 by MAFF¹⁰ there has been little detailed assessment of whether other sites of poorer quality have been considered in any detail by the Appellant. The adopted development plan policy, when read plainly, indicates that development on agricultural land should be focussed to poorer land and more generally it is clear that agricultural land is a finite resource.
21. Paragraph 112 of the Framework is not dissimilar in wording to Policy ENV5 of the ULP. One key difference is the use of the term 'significant development' whereas the adopted ULP policy only refers to 'development'. The appellant has pointed me to the fact the site would not require consultation with Natural England due to its size of less than 20 hectares¹¹ and that this infers it is not a 'significant' development of agricultural land. I have also been directed to two appeal decisions. The first in which the Inspector found that *'I am not persuaded that the proposed development can be considered to be significant in terms of the amount of BMV that would be taken'*¹². The second, in which the Inspector found that *'it has not been demonstrated that, within the overall context of the amount of best and most versatile agricultural land in the vicinity, this proposal would be a significant development of such land'*¹³.
22. I do not find that the level of development requiring consultation with Natural England to be necessarily symptomatic of the level of significance or otherwise of the development involved. In terms of the two appeal decisions, clearly the full evidence of those cases is not before me, but it is clear from reading both that the decision-maker, as is proper, made an assessment based upon the facts before them and did not provide any definitive definition of what 'significant' means in the context of Paragraph 112 of the Framework. Indeed, the Framework itself does not provide a definition of this term.
23. In this case, put very simply for both sides, the appellant considers that due to the small loss of BMVAL relative to the overall provision within the District the proposal would not represent a significant development. Slightly differently, the Council suggested that it is not only this factor to consider, but that there is a need to consider the context of the proposal within the site, and in this respect, with the complete loss of the agricultural field, this would represent a significant development. I am persuaded that the latter approach is

⁹ CD4.1, *Uttlesford Local Plan 2005*, Page 28, Policy ENV5

¹⁰ POE, Tony Kernon, Volume 1: Text, Page 5, Para 2.7

¹¹ Ibid, Page 4, Para 2.4

¹² POE, Tony Kernon, Volume 2: Appendices, Appendix 8, Appeal Ref: 2158146, paras 18 and 19

¹³ Ibid, Appendix 9, Appeal Ref: 3154193, paras 41 to 43

appropriate in this case; as ignoring the specific context of the site itself and the nature of the development proposed would potentially provide justification for the piecemeal development of much BMVAL, which clearly the Framework seeks to direct towards poorer quality land in the first instance. I find that the proposal would therefore, in this case, represent a significant development of agricultural land.

24. I therefore conclude that in light of both the absence of an assessment of land of poorer quality and the scale and quantum of development proposed representing a significant development of agricultural land, the proposal fails to comply with Policy ENV5 of the ULP and Paragraph 112 of the Framework, which seek the various aims I have aforesaid.

Housing land supply – OAN and Sites

25. Policy H1 of the *Uttlesford Local Plan 2005* (ULP) set out the Council's aim to deliver 5,052 dwellings between 2000 and 2011. This would equate to about 500dpa over that ten year period. At the Inquiry, both parties agreed that as this period had now passed, it no longer represents a 'housing requirement figure' for the local planning authority area. This appeal is not a local plan examination and it is not my role to set a specific housing requirement figure. Nevertheless, to ensure that the local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area as envisaged by Paragraph 47 of the Framework, a conclusion on an evidence-based OAN is necessary for this appeal.
26. The appellant has submitted the evidence of Mr Coop which constitutes an Objectively Assessed Need (OAN) assessment. This found that a figure of 719 dpa¹⁴ is required for the LPA to meet its need for housing. The LPA has submitted three different OAN figures: the Local Plan Inspector's (LPI) Conclusions from December 2014 with a figure of about 580dpa¹⁵, the September 2015 *West Essex and East Hertfordshire SHMA*¹⁶ with a figure of 568 dpa, and the August 2016 *ORS Updating the overall housing need* document (relating to the SHMA)¹⁷ with a figure of 640 dpa. They have also submitted a February 2017 *Impact of formation rates on OAN* with a range of approximately 481-492 dpa for Uttlesford¹⁸ but neither party suggests that this last survey should be considered in the context of this appeal as an OAN figure. In particular, the LPA consider that the 2015 SHMA is the only assessment which provides the latest full assessment of housing need¹⁹ as envisaged by the Framework.
27. Establishing an appropriate OAN figure is not a precise science; but it nonetheless needs to be considered in a logical fashion. The suggested OAN figures of 719dpa and 481-492 dpa appear to be either over- or under-optimistic when compared against previous requirements. I understand that one key difference is that the appellant's 719 dpa figure is driven in part by optimistic economic data for Stansted Airport, and that employees would seek housing in Uttlesford above that of any other district within the wider Housing Market Area (HMA). Yet there is limited evidence that the provision of housing

¹⁴ Dpa = Dwellings per annum

¹⁵ CD 4.3 - EX157, Paragraph 1.10

¹⁶ CD 4.7

¹⁷ CD 4.17

¹⁸ Figure 3, Appendix 11, Mr J Lee POE

¹⁹ Mr Lee POE, page 20, Para. 75

- in Uttlesford would meet this specific aspect of need or that the Uttlesford area would need to provide more housing than the other three local authority areas within the HMA. Moreover, when the figure of 719 dpa is considered in the context of earlier years and the 580 dpa LPI Conclusions, the number appears to be questionably higher than one might reasonably expect.
28. The 580 dpa LPI figure is not based upon the latest 2014 DCLG household projections. The national Planning Practice Guidance (the Guidance) is clear in that the starting point to establish the need for housing are the household projections published by DCLG²⁰. It goes on to indicate that wherever possible, local housing needs assessments should be informed by the latest available information, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued²¹. Nevertheless, some time has passed since the 2014 DCLG household projections were issued, and therefore they provide a more recent dataset which it is not unreasonable to use. In this respect, whilst the LPI figure of 580 dpa is of statistical interest and points towards the need for a higher than 568 dpa figure, it is not based upon the latest figures and this limits its relevance to this appeal.
29. The 2014 DCLG projections are used within the LPA's August 2016 *Updating the overall housing need* document. The LPA suggested at the Inquiry that this document is not a SHMA 'update', as such an exercise awaits the Government's publication of a standardised approach to assessing housing requirement²². However, the document itself states that '*the SHMA demographic projections were fully updated to take account of the latest information and provide an updated assessment of overall housing need for the housing market area and for the four individual local planning authorities.*'²³ For the purposes of this appeal, therefore, it can be considered that this document is an 'SHMA update' of the August 2015 SHMA. The LPA has one set of figures which take into account the most recent DCLG projections in the form of the August 2016 SHMA update. This OAN of 640dpa, represents the appropriate evidence-based OAN figure for Uttlesford for the purposes of this appeal.
30. In this context, the figure of 640 dpa is the base OAN figure for the period 1 April 2015 to 31 March 2020. Next one needs to consider the applicable buffer set out in Paragraph 47 of the Framework of 5% or 20%. This is set out in various scenarios within the *Statement of Common Ground on Five Year Housing Land Supply March 2017*²⁴ (herein SOCGHLS) and Council's Supply (with March 2017 adjustments) and 5% buffer²⁵ and Updated Five Year Supply Calculations – 2016 to 2021, dated 22 March 2017²⁶. Although the Framework sets out that LPAs should update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing²⁷ the LPA failed to do so in April 2016 for the preceding monitoring year.
31. To apply a 20% buffer, there needs to have been a record of persistent under delivery of housing. The main parties have supplied tables showing the extent of any gain or shortfall against the target in documents LPA2 and APP8 for the

²⁰ PPG, Paragraph: 015 Reference ID: 2a-015-20140306 - Revision Date 06/03/2014

²¹ PPG, Paragraph: 016 Reference ID: 2a-016-20150227 - Revision Date 27/02/2015

²² Mr Lee POE, page 20, Para 75

²³ CD4.15 Para 2 – ORS *Updating the overall housing need*

²⁴ APP2 - *Statement of Common Ground on Five Year Housing Land Supply March 2017*

²⁵ LPA4 - Council's Supply (with March 2017 adjustments) and 5% buffer

²⁶ APP10 - Updated Five Year Supply Calculations – 2016 to 2021, dated 22 March 2017

²⁷ The NPPF, Paragraph 47, second bullet point

period of 2001 to 2014 (LPA) or 2016 (APP). I acknowledge the Council's point that the 'target' from the East of England Plan May 2008²⁸ was, in practice, retrospective and a 'period' target rather than an annualised target. I also agree that the nature of house building is that there are peaks and troughs within the figures that are a result of a multitude of factors, including site specific issues. However, when these are smoothed out over a period of 13 years for the Council's table,²⁹ in seven years out of 13 the LPA did not achieve the target figure. Indeed in the last five years of the Council's table (from 2009 to 2014) it achieved its target two out of five years. What is more, the gain was 93 and 17, against a shortfall in this period of -128, -2, and -133 respectively.

32. When taken as a whole, I find that the under-delivery, in terms of length of time, seven out of thirteen years or three out of five years and the level of under-delivery against the years of gain, amount to a record of persistent under-delivery of housing. Therefore the 20% buffer, as set out in Paragraph 47 of the Framework, is applicable on the basis of the evidence in this case.
33. It is clear from the tables provided within the SOCGHLS at Section 4 (and also from the updates contained within LPA4 and APP10), that when a 20% buffer is applied the LPA cannot demonstrate a five year supply of deliverable housing sites – this is irrespective of whether one accepts the appellant's or the Council's supply figures; the main difference between the parties on this matter being the delivery rate.
34. What is more, even if the 20% buffer figure is applied to the SHMA 2015 figures, which the Council rely upon as the latest full assessment of housing needs though I take a different view, it is clear that the Council cannot demonstrate a five year supply of housing sites. Put another way, whether one accepts the 640 dpa figure or the LPAs figure of 568 dpa, neither amount is able to be met by supply. Consequently, I conclude that the relevant policies for the supply of housing should not be considered up to date, as set out in Paragraph 49 of the Framework, in this instance.

Local Infrastructure

35. The appellant has submitted a signed and dated Section 106 Agreement³⁰ (S106), which is an agreement between the landowners, appellant and the local planning authority. Amongst other factors, the S106 provides for 40% of the total number of dwellings to be affordable housing, 5% of the total number to be Starter Homes, a cycle parking contribution of £1,000, a parking management contribution of £11,500, a primary education contribution of £12,172, a healthcare contribution of £18,920, a monitoring fee of £3,000, an education contribution, a school transport contribution, and the creation of a management company for the public open space and Sustainable Drainage System (SuDS). The matters set out in the S106 are detailed within a 'UDC S106 Planning Obligations Justification' paper submitted by email on 14 March 2017 and discussed at the Inquiry.

²⁸ App 22 - East of England Plan May 2008, copy of page 30, Section 5 Housing, Minimum Dwelling Provision 2001 to 2021 (net increase, with annual average rates in brackets)

²⁹ LPA4

³⁰ LPA10 - Section 106 Agreement relating to land on south east side of Braintree Road, Felsted, Dunmow, dated 24th March 2017

36. Policy H9 seeks to negotiate an element of affordable housing up to 40% of the total provision of housing. A requisite 213 net affordable dwellings per annum based upon the evidence of the appellant's witness Mr Stacey³¹, is uncontested by the Council, and would not be met by the average affordable housing completions of roughly 80 dwellings per annum between 2000 and 2016. On the basis of the evidence before me, the Council is not providing a sufficient level of affordable housing to meet the needs of the local area, and as such the provision of a policy compliant 40%, plus an additional 5% as Starter Homes, would represent an exceedance of what the development plan policy seeks.
37. I note the comments from Felsted Parish Council³² in terms of disputing the need for affordable housing and that instead of providing affordable housing they would prefer any monies to be spent on community facilities such as a community hub containing features such as a doctor's surgery, village hall or shop for example. However, when I asked their representative if such an aim was supported by specific planning policies, whether they knew the costs involved in the erection of such a building and the purchase of land, and also the value of the commuted sum, the answers were mainly no. The Parish Council's views are noted, but in the absence of detailed justification for commuting the affordable housing sum, I am unable to afford them any weight as justifying the refusal of permission.
38. Policy GEN6 of the ULP requires that development should make provision for infrastructure that is made necessary by the proposed development. I have listed the various elements of infrastructure earlier under this main issue. The justification paper does not indicate that any of these contributions would amount to five or more pooled contributions. With no evidence to the contrary, I see no reason to not concur with this assessment.
39. Paragraph 204 of the Framework and CIL Regulation 122(2) set out the three tests for seeking planning obligations: that they must be '*necessary to make the development acceptable in planning terms, directly relate to the development, and fairly and reasonably related in scale and kind to the development.*' All the obligations in this case are necessary, directly related, and fairly and reasonably related to the development. Therefore, they meet all the tests within the CIL Regulations 122 and 123, and should be taken into account in the decision. What is more, the provision of affordable housing in accordance with local policy, and Starter Homes above any development plan policy, are public benefits which weigh in favour of the grant of permission.

Planning Balance and Overall Conclusion

40. Put simply, Section 38(6) of the *Planning Compulsory Purchase Act 2004*, as amended, sets out that in the determination of proposals, this must be made in accordance with the development plan, unless material considerations indicate otherwise. The Framework is an 'important' material consideration and therefore of relevance to assessing the planning merits of the proposal. However, the starting point is the development plan.
41. In this case, I have found that the proposed development would conflict with adopted development plan Policy S7 of the ULP. Prior to the Inquiry, the main

³¹ POE, James Stacey, page 52, Fig 6.3

³² LPA5 - Letter Felsted Parish Council, dated 21 March 2017 – specifically relating to wish to speak and affordable housing

- parties agreed that Policy S7 relates in part to the supply of housing³³. However, when this policy is assessed within the context of the Supreme Court judgement and the interpretation in terms of the 'narrow' approach being the correct one, I do not find that this is the case. What is more, when this policy is read plainly, I find that it is broadly consistent with the Framework in terms of Paragraphs 17 and 215. It should therefore be afforded the 'greater weight' envisaged under Paragraph 215 of the Framework, which I consider should be significant weight given the degree of consistency in this case.
42. The proposal would also conflict with adopted Policy ENV5 of the ULP. My attention was drawn to both Paragraphs 112 and 215 of the Framework in relation to this policy, and the fact that the adopted development plan policy does not use the term 'significant development,' whereas Paragraph 112 does. The appellant suggests that the absence of the word 'significant' in the adopted development plan means that it is less consistent with national policy and should therefore be considered as out-of-date and afforded less weight in any balance. However, there is no definition of the term 'significant,' which is for the decision-maker to assess. Moreover the crucial point here is consistency rather than replication. In this sense, I find that the Policy ENV5 does broadly comply with the policies within the Framework and should therefore be given greater weight in the overall planning balance.
 43. I have also found that the proposal would conflict with elements of Paragraphs 17, 60, 64, and 112 of the Framework, which also weigh against the proposal.
 44. Nonetheless, I have found that the Council is unable to demonstrate a five year supply of deliverable housing sites on the evidence before me. As such, Paragraph 14 of the Framework, and in particular the second limb, second bullet point, is engaged.
 45. In finding that the Council is unable to demonstrate a five year supply of housing land in this instance, relevant policies for the supply of housing should not be considered up-to-date. In such circumstances, the decision-maker is required to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole, as set out in Paragraph 14 of the Framework.
 46. The benefits arising in this case include the delivery of up to 55 dwellings in an area that is unable to demonstrate a five year supply of deliverable housing sites, the provision of 40% of the dwellings as affordable housing and the provision of 5% of the dwellings as starter homes or equivalent. There would also be economic benefits in terms of jobs created during the construction phase of the development. To the social and economic benefits of providing housing, including affordable housing, I afford significant weight, particularly given the lack of a deliverable five years of housing supply, the need for housing identified in the OAN and the current shortfall in such provision.
 47. Benefits are also accrued by the sustainable location of the appeal site in terms of being adjacent to an existing settlement that has moderate levels of services or public transport links to other settlements that provide day-to-day services. This locational factor is afforded modest weight as a benefit. There would also

³³ APP1, SOCG, page 14, Para 4.3

be some biodiversity benefits; although given that there is little to stop these from being implemented outside the remit of this scheme these are only afforded minimal weight.

48. Against these benefits are the adverse impacts in terms of the limited degree of harm on the openness and visual character of the countryside which cannot be fully mitigated, even with the use of various landscaping techniques. There would also be an unjustified loss of BMVAL; principally by the lack of an assessment of areas of poorer quality and also in terms of the loss of this as an important but limited natural resource. The proposal would also have an adverse impact on the character and appearance of the existing settlement of Felsted.
49. In particular, the likely layout and atypical urban form, guided by a single access point to serve up to 55 dwellings, would fundamentally jar with one of the key principles of planning, which is to act in the public interest by protecting and enhancing our built and natural environment. It would also be counter to one of the key principles of the Framework, which, whilst making the point that planning should not simply be about scrutiny, but instead should be a creative exercise, that this should be within the context of finding ways to enhance and improve the places in which people live their lives. In this respect, the unacceptable urban form of the development is diametrically opposed to the concepts of good design and promoting or reinforcing local distinctiveness; notions which lie at the very heart of good planning practice. Given these conflicts, these adverse impacts should weigh very substantially in any planning balance.
50. Whilst I recognise the benefits arising from the proposal and that some of these amount to significant weight, I find that the adverse impacts I have identified would significantly and demonstrably outweigh these benefits. I therefore conclude that the proposal should not be granted permission as indicated under Paragraph 14 of the Framework, as it would fail the second bullet point of the second limb of the aforesaid paragraph.
51. I therefore conclude that the proposal would fail to accord with the adopted development plan, and that there are no material considerations that indicate that the proposal should be permitted.
52. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Asitha Ranatunga, Barrister Instructed by Elizabeth Smith, Solicitor of the Council

He called:
Mr Jonathan Lee, ORS – OAN

Mrs Alison Hutchinson, Hutchinsons Planning and Development Consultants –
MRTPI Planning, 5YHLS, Agricultural land, landscape,
affordable housing, heritage
Mr Nigel Brown* Development Manager
Ms Elizabeth Smith* Legal Services UDC

FOR THE APPELLANT:

Mr Christopher Young, Barrister Instructed by Mr Greg Mitchell

He called:
Mr Simon Coop, Lichfields - OAN
BA(Hons), MSc, MRTPI, MIED
Mr Jeffrey Richards, Turleys - 5 Year Supply
BA(Hons), MTP, MRTPI
Mr James Stacey, Tetlow King Planning – Affordable Housing
BA (Hons), Dip TP, MRTPI
Mr Benjamin Rosedale, EDP – Landscape
BSc (Hons), MSc, CMLI, AIEMA
Dr Steven Carter, Headland Archaeology – Heritage assets
BSc, PhD, MCifA, FSAScot
Mrs Louise Steel, Framptons – Planning (called in place of Mr Greg Mitchell
MRTPI owing to personal circumstances)
Mr Tony Kernon, Kernons – Agricultural Land (only written evidence)
BSc(Hons), MRICS, FBIAC
Mr David Morris* Catesby Property Limited
Mr Iain Crawford* Landowner

INTERESTED PERSONS:

Mr C Dawkins Local Resident
Mr Peter Watson Assistant to Parish Clerk, Felsted Parish Council

Those persons marked with an asterisk (*) formally took part in the Planning obligations and conditions roundtable session only.

Documents submitted at Inquiry:

No.	Title/Identifier
LPA1	Officer Report and Decision Notice for granted planning permission ref UTT/14/3182/FUL Site at 119 Radwinter Road, Saffron Walden
LPA2	Table re Issue 7D.2: Housing Targets and Delivery from Local Plan examination EX149
LPA3	Council's Opening Remarks by Asitha Ranatunga of Cornerstone Barristers, dated 21 March 2017
LPA4	Council's Supply (with March 2017 adjustments) and 5% buffer
LPA5	Letter Felsted Parish Council, dated 21 March 2017 – specifically relating to wish to speak and affordable housing
LPA6	Agenda of Inspector's Advisory Visit 1 November 2016
LPA7	(Draft) Note of meeting relating to Inspector's Advisory Visit, dated 2 November 2016
LPA8	List of housing land supply sites
LPA9	Go-East Saving Local Plan Policies letter, dated 21 December 2007
LPA10	Section 106 Agreement relating to land on south east side of Braintree Road, Felsted, Dunmow, dated 24 th March 2017
LPA11	Closing Submissions on Behalf of Uttlesford District Council, by Asitha Ranatunga of Cornerstone Barristers, dated 24 March 2017
LPA12	Copy of Title Plan numbered EX589577
LPA13	Response to Costs Application on behalf of Uttlesford District Council by Asitha Ranatunga of Cornerstone Barristers, dated 24 March 2017
LPA14	Planning Policy Working Group - notes from meeting 22 February 2017
IP1	Hand drawn plan from Mr C Hawkins submitted at site inspection detailing for me to look from triangular crossroads at Bannister Green (agreed by main parties at Inquiry satisfactory to accept as evidence) site viewed from specific location on 23 March 2017, unattended
APP1	Statement of Common Ground, signed by main parties 16 March 2017
APP2	Statement of Common Ground on Five Year Housing Land Supply March 2017 (signed but undated by main parties)
APP3	SofS and Inspector Report for 2146206 and 2148635 (Homelands Farm, Bishop's Cleve, Gloucestershire)
APP4	Appeal decision (allowed) ref 3089709 - Land At Waterloo Road, Bidford-on-Avon, Warwickshire
APP5	Opening Statement on behalf of the appellant by Christopher Young of No5 Chambers, dated 21 March 2017
APP6	POPGROUP Guidance Note 2, February 2010, revised February 2012
APP7	Local Plans Expert Group, March 2016, Appendix 6 – Housing and Economic Development Needs Assessment – Revised NPPG Text
APP8	Table JRT19 – Council performance against East of England Plan overall housing requirement (8,000 homes (2001-2021) – 400 homes per annum) and Council's preferred requirements from 2011
APP9	Section 106, Land on South East side of Braintree Road, Felsted, Dunmow, Note for Inspector from Eversheds Sutherland, dated 22 March 2017
APP10	Updated Five Year Supply Calculations – 2016 to 2021, dated 22 March 2017

No.	Title/Identifier
APP11	March 2017: Housing Trajectory for Uttlesford District Council in the period 2016-2021 – Turley analysis
APP12	Chaffix, Felsted development
APP13	Comparison of ULCA LCA Sensitivity ref CD4-10
APP14	Tewkesbury Borough Local Plan to 2011 (adopted March 2006), copy of Policy HOU4: Other Settlements/Rural Areas
APP15	Relief Map (OS Landform Panorama)
APP16	Copy of suggested condition 13 relating to building heights parameter plan
APP17	Draft conditions as per committee report dated 29 June 2016, CD3.3 with LS amends dated 22/03/17 – highlighted in yellow
APP18	Drawing LC/010 entitled 'PROW Improvement Plan'
APP19	Draft conditions as per committee report dated 29 June 2016 CD 3.3: Composite version 24/03/17 following round table discussion at the inquiry
APP20	Caselaw: [2016] EWCA Civ 1146, Case No: C1/2015/4315 Gladman Developments Limited v Daventry District Council and SoS CLG (interested party)
APP21	Caselaw: [2016] EWHC 1198 (Admin) Case No: CO/5683/2015 Cawrey Limited v SoS CLG and Hinckley and Bosworth Borough Council
APP22	East of England Plan May 2008, copy of page 30, Section 5 Housing, Minimum Dwelling Provision 2001 to 2021 (net increase, with annual average rates in brackets)
APP23	Tetlow King Planning, Response to Parish Council Letter dated 21 March 2017
APP24	Application for costs made on behalf of the Appellant Catesby Estates (Development) Limited by Christopher Young of No5 Chambers, dated 23 March 2017
APP25	Closing Submissions on behalf of the Appellant by Christopher Young of No5 Chambers, dated 24 March 2017
APP26	Draft Conditions as per committee report dated 29 June 2016 CD3.3 - Composite version 24/03/17 following round table discussion at the inquiry, as agreed with Alison Hutchinson and submitted to the Inspector

Document submitted after the Inquiry replying to the request of the Inspector:

Title: *Comments on The Supreme Court's judgement in Suffolk Coastal DC v Hopkins Homes; Richborough v Cheshire East made on behalf of the Appellant* by Christopher Young, No 5 Chambers dated 5 June 2017

3241109

Ellan Vannin,
Sibleys Lane,
Thaxted
CM6 2NU

11th February 2020



Appeal Decision

Site visit made on 21 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/C1570/W/19/3241109

Ellan Vannin, Sibleys Lane, Thaxted CM6 2NU

- 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 Mr Mark Daubney against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0947/FUL, dated 23 April 2019, was refused by notice dated 15 July 2019.
 - The development proposed is erection of detached dwelling.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council's reason for refusal cites a single issue relating to character and appearance. However, there is reference within the officer's report to the suitability of the location for housing, having regard to its accessibility to services and the appellant has addressed this point within their submissions. Therefore, it is a point of contention between the parties and I consider that this is a further main issue.
3. In the context of the above the main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the site represents sustainable development in respect of its location.

Reasons

Character and appearance

4. The appeal site is located within Sibley's Green, which is identified within the Thaxted Neighbourhood Plan 2017-2033 (2019)(NP) as a rural hamlet within the village of Thaxted. This part of Sibley's Green is characterised by detached dwellings in large plots, with some commercial and agricultural buildings.
5. The proposed dwelling would be sited in an area of vacant land between Ellan Vannin, a residential dwelling and the commercial properties of the Active Spring Company. The land previously formed part of the garden of Ellan Vannin. The site has the appearance of an overgrown open field, albeit enclosed by existing landscaping along its boundary with the commercial

- development. The access for the commercial units runs along the outer edge of the site.
6. Policy TX LSC4 of the NP sets out that appropriate development includes undeveloped infill sites between existing dwellings within Sibley's Green. Such development must also have regard to the character and appearance of the landscape.
 7. Both parties accept that the site is an undeveloped infill site between an existing dwelling and a group of light industrial buildings. Therefore, I consider that the site cannot be considered to be an infill site between existing dwellings and therefore there is conflict with policy TX LSC4.
 8. The proposed dwelling would be sited between the commercial buildings and the existing dwelling. I have had regard to the extant permission (UTT/17/1960/HHF) for a three bay garage with gymnasium over proposed within the curtilage of Ellan Vanin, which would add further to the built development in the vicinity. Whilst this would further enclose the site in terms of built development, the proposed dwelling would lead to a more intensive use of the site. This would include an associated increase in domestic paraphernalia, thereby eroding the open and rural character of the immediate area.
 9. Whilst the site is generally screened from public vantage points by existing trees, these would unlikely endure for the lifetime of the development. In any event, even with the screening in place there are views of the site from the existing access. Therefore, from these localised viewpoints the development would be noticeable thereby detracting from the overall sense of spaciousness that currently exists around properties.
 10. The development would result in an increase in the density of development within the locality, which is generally characterised by large open gardens. This would lead to an urbanising affect which would be both out of character and harmful to the overall appearance of the area.
 11. The development would also be contrary to policy S7 of the Uttlesford Local Plan 2005 (LP) which seeks to protect the countryside for its own sake. Development will not be allowed unless it would protect or enhance the particular character of the countryside.
 12. Policy S7 of the LP is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake. However, Policy S7 goes onto say that development will not be allowed unless it would protect or enhance the particular character of the countryside. In this respect the Policy is consistent with paragraph 170 (b) of the National Planning Policy Framework ('the Framework') which seeks to recognise the intrinsic character and beauty of the countryside. Therefore, I consider it should be afforded significant weight when considering development proposals in the countryside.
 13. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with policy THX LSC4 of the NP which defines infill development as that between existing dwellings and requires development to have regard to the character and appearance of the landscape and policy S7 which requires development to

protect or enhance the character of the countryside, and policy 170 (b) of the Framework.

Suitability of location

14. The site is located approximately 2 miles from the services within Thaxted and access to these would be via unlit roads with no footpaths. However, distance is not the sole consideration. The lack of footpaths or streetlighting would make it less attractive for people to walk, especially for small children going to school. Therefore, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford significant weight.
15. I have no substantive evidence before me to indicate that the site is well served by public transport. I therefore consider that occupiers of the proposed development would be likely to be reliant on the private car to access a full range of community facilities such as shopping, healthcare, leisure and entertainment, given the distance to the nearest sizeable town.
16. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. In this respect, it would not accord with policies S7 and GEN1 of the LP which seeks to promote sustainable transport modes and suitably located developments. The development would also conflict with paragraph 103 of the Framework which seeks to maximise sustainable transport solutions.

Other Matters

17. I have been provided with plans for a proposed extension to the commercial buildings adjacent to the site. The appellant advises that these have been granted planning permission, but I have not been provided with a decision notice or reference number, nor has it been referred to by the Council in their evidence. However, in the event that this structure was constructed in the future, this would not alter my findings with regard to the harm associated with the proposed location of the development. The proposed dwelling would be sited forward of the proposed commercial development and therefore the openness of the site, viewed from localised viewpoints would still be affected.

Other Considerations

18. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, with the evidence putting current supply at 3.29 years. Therefore, paragraph 11d of the Framework is engaged.
19. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply. These are positive matters which I must weigh in the overall planning balance.

Planning Balance and Conclusion

20. The proposal would not accord with Policy TX LSC4 of the NP and Policies S7 and GEN1 of the LP. Furthermore, the identified adverse impacts of the development in respect of character and appearance and accessibility

considerations would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR

3233508

Land opposite Monk Street Farmhouse,
Monk Street,
Thaxted
CM6 2NR

18 February 2020



Appeal Decision

Site visit made on 8 October 2019

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/C1570/W/19/3233508

Land opposite Monk Street Farmhouse, Monk Street, Thaxted CM6 2NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Taylor against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3090/OP, dated 5 November 2018, was refused by notice dated 22 January 2019.
 - The development proposed is outline application with all matters reserved to construct 4no. detached dwellings with garages.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved. I have had regard to the submitted plans but have considered all elements of these drawings as illustrative.
3. Since the original determination of the planning application the Thaxted Neighbourhood Plan 2017-2033 (NP) has been made. This now forms part of the Development Plan on which this decision is based. Both main parties have had the opportunity to comment on the implications of this for the appeal and I am satisfied that no interested party has been prejudiced by this approach.
4. During the course of this appeal the Council's demonstrable supply of deliverable housing sites has reduced to less than three years. Both parties are in agreement in respect of the level of deficit and have had the opportunity to comment on this matter. Consequently, no party is prejudiced by my taking it into account.

Main Issues

5. The main issues are; (i) whether the proposal would preserve or enhance the significance of nearby designated heritage assets; (ii) whether the proposal would be an appropriate form of development in this location, with particular regard to its effect on the character and appearance of the area and (iii) whether it would provide satisfactory access to services and facilities.

Reasons

Heritage assets

6. The Council has not raised direct concern whether the proposal would preserve or enhance the significance of nearby designated heritage assets. It considered that this would be a matter for determination at reserved matters stage. However, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. Opposite the site are Monk Street Farmhouse and Barn, grade II listed buildings. The house dates from the early 17th century with 18th century alterations and additions. It is timber framed and plastered with a red plain tiled roof. It is set back from the road in an elevated position and is prominent and attractive in the street scene. The barn is situated to the north of the house and is in close proximity to the highway. It is timber clad and thatched. The significance of these buildings is derived primarily from their physical form and fabric and their location within the landscape.
8. The appeal site is not within the curtilage of the listed buildings and is separated from them by the highway. However, the Framework defines the setting of a heritage asset as the surroundings in which it is experienced and confirms that its setting may contribute to the significance of a heritage asset.
9. Despite the number of dwellings present to the north of the listed buildings, their setting is one of seclusion from other development. This is the case when viewed approaching from either direction along Monk Street. There is an openness and sense of isolation to the frontage of the farmhouse due to its sizeable garden and the presence of the appeal site opposite. From the road in front of the farmhouse there are pleasant views across the site which are not diminished by the equestrian use. The farmhouse has its primary elevation facing the site and, being in an elevated position like the site itself, means that views into and across the site would be more pronounced than from the lower level of the road. I consider that the site has an important visual relationship with the heritage assets and forms part of their setting.
10. Although at this outline stage all matters are reserved, taking into consideration the possibility of additional landscape screening and a single storey development, the proposal is, nevertheless, for the erection of four dwellings. I am not satisfied that a successful scheme could be produced through a reserved matters submission which would avoid harm to the setting of the listed buildings. In this location such development would visually compete with and distract from the listed buildings and their historic context within the landscape. The proposal would result in the loss of seclusion of these heritage assets, negatively affecting their setting which forms a strong part of their significance.
11. I conclude that the appeal scheme would result in less than substantial harm to the settings of Monk Street Farmhouse and Barn. This is contrary to Policy ENV2 of the LP and Policies TX LSC4, TX HD1 and TX HD10 of the NP which together, amongst other matters, seek to ensure the conservation and preservation of historic buildings and their settings. However, paragraph 196 of

the National Planning Policy Framework (the Framework) requires that this harm should be weighed against the public benefit of the proposal in such circumstances. I will return to this in the planning balance.

Location and character and appearance

12. The appeal site lies outside of any settlement boundary as defined within the Uttlesford Local Plan 2005 (LP). For the purposes of planning policy, it is therefore within the countryside. Policy S7 of the LP sets out that the countryside will be protected for its own sake unless special reasons apply. Whilst this is not a requirement contained within the Framework, Policy S7 also states that development will not be allowed unless its appearance would protect or enhance the particular character of the countryside. In this respect the Policy is consistent with paragraph 170 (b) of the Framework which seeks to recognise the intrinsic character and beauty of the countryside. I therefore consider Policy S7 should be afforded significant weight when considering matters of character and appearance in the countryside.
13. Monk Street is identified in Policy TX LSC4 of the NP as one of a number of outlying settlements where some incremental growth of a scale suitable for a rural area may be supported. The policy sets out that appropriate development includes undeveloped infill sites between existing dwellings. Such development must also have regard to the character and appearance of the landscape.
14. The site is situated at the southern end of Monk Street where the land is at a higher level than the road and rises toward the north east. It is in equestrian use with recently erected stables situated within the site toward the northern boundary. This building is low key in its appearance and impact on the site and its surroundings. The site's western boundary is separated from Monk Street by a small bank of mature trees. Established hedgerows, interspersed with trees, make up the majority of the site's boundaries. The south western corner of the site is more open with a small number of mature trees situated within and along the grassed bank. Post and rail fencing contain the paddocks and afford views into and across the site. The use of the land for equestrian purposes forms part of the rural character of the area and is a use which is common in the countryside. The approach to the site from Dunmow Road is green and leafy and distinctly rural in character.
15. Whilst the proposal is for outline permission only, the effect of erecting dwellings on this site, and the associated domestic paraphernalia that would accompany them, can still be determined. The illustrative site plan shows four dwellings with garages arranged around a cul-de-sac road, somewhat disconnected from Monk Street itself. This would introduce a stand-alone development of suburban appearance and character which would be at odds with the area's rural nature. The site is not a logical infill plot and its development would affect the character and appearance of the area by extending the built form beyond its current confines. This is in direct conflict with NP Policy TX LSC4.
16. The appellant has advised that the proposal could be conditioned to restrict development to single storey dwellings only and that these buildings could be set into the ground to further reduce their impact. Additional boundary planting could also be provided to increase the screening of the site. However, even taking these matters into consideration, the development would still appear

obvious in its surroundings because of the access to the highway and the site's elevated position in relation to Monk Street. Screening of the site would be less effective in the winter months when foliage would be reduced. Whilst the development would not intrude into any identified key views of Thaxted, I consider that the addition of housing on the site would introduce a formal domestic appearance to a space which currently positively contributes to the pastoral surroundings of the hamlet. This would be unacceptably harmful to the rural character and appearance of the area.

17. I conclude that the proposal would not be an appropriate form of development in this location and would be harmful to the character and appearance of the area. Thus, it would conflict with NP Policy TX LSC4 which defines infill development as that between existing dwellings and requires development to have regard to the character and appearance of the landscape. It would also be contrary to LP Policy S7 and NP Policies TX LSC1, TX HD1 and TX HD10 of the NP which together and amongst other matters, seek to protect or enhance the character and appearance of the landscape. Further, it would conflict with the Framework in this regard.

Access to services and facilities

18. The site is located approximately 1.5 miles from the services and facilities within Thaxted village. Whilst this is not a significant distance, access would be via unlit roads with no footpaths, the use of which would not be attractive to pedestrians or cyclists. Whilst some public transport may be available, I am not satisfied from the evidence before me that the level of provision would offer a realistic alternative to the use of the private car. I therefore consider that future occupiers would be likely to be reliant on the private car to access a full range of community facilities. The number of dwellings proposed would result in a significant number of such journeys. The proposed development would not provide a suitable location for housing in respect of accessibility to services and facilities.
19. I therefore conclude that the proposal would conflict with LP Policy GEN1 which seeks to promote sustainable transport modes. The development would also conflict with paragraph 103 of the Framework which seeks to maximise sustainable transport solutions whilst recognising that solutions will vary between urban and rural areas.

Other Matters

20. The appellant sought to rely on a number of other policies of the NP in support of the proposal. However, as the appellant acknowledges, the appeal site is not located within the defined 'rural setting' of Thaxted. I therefore consider that Policy TX LSC2 and the second part of Policy TX LSC1 are not relevant to the proposal. Policy TX LSC3 is also not relevant in this instance as no concern has been raised by the Council in respect of matters of wildlife importance. I have no reason to disagree.
21. In addition, that the proposal could comply with the requirements of NP Policies TX HD2 and TX IFS4 does not negate the harm I have identified above.

Planning Balance

22. The Framework indicates that great weight should be given to the conservation of designated heritage assets. Whilst I have not found the harm in this case to

reach the level of substantial harm, the proposal would nonetheless result in harm that requires clear and convincing justification.

23. The proposal would make a small contribution to the supply of housing. The amount of social and economic benefits to the area that would arise from the construction of four dwellings would be modest. Accordingly, the conflict with LP Policy ENV2 and Policies TX HD1, TX HD10 and TX LSC4 of the NP in relation to the conservation and preservation of heritage assets attracts significant weight. Although it is undisputed that the Council is only able to demonstrate a 2.68 year supply of deliverable housing sites, the conflict with the Framework in terms of designated heritage assets provides a clear reason for refusing the development.
24. In addition, the proposal would be harmful to the character and appearance of the countryside and would not provide a suitable location for housing in relation to access to services and facilities in conflict with LP Policies S7 and GEN1 and Policies TX LSC1, TX HD1 and TX HD10 of the NP. I give significant weight to this conflict. The appeal scheme would not therefore comply with the policies of the Framework, which taken as a whole seek to secure delivery of sustainable development. Consequently, no material considerations justify a decision other than in accordance with the development plan and for the reasons set out, the appeal must fail.
25. The appellant has drawn my attention to several planning permissions granted by the Council for developments which they consider offer support to the acceptability of the appeal scheme. I have also been referred to a number of appeal decisions concerned with similar matters to the appeal scheme. However, I do not consider the appeal scheme to be directly comparable and in any case have considered the appeal on its own merits. Although it is clear from the examples provided that housing developments of varying scale have been permitted within the designated countryside following the application of paragraph 11(d) of the Framework, in this case, the presumption in favour of sustainable development does not apply, as set out above.
26. However, even if paragraph 11(d) of the Framework was engaged, the identified adverse impacts of the development in respect of character and appearance and accessibility considerations would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

27. For the above reasons the appeal is dismissed.

S Tudhope
Inspector

3291524

Land at Warish Hall Farm,
Smiths Green,
Takeley

9 August 2022



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

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".
-

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 2022¹, 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.

¹ 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 agreed² 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 direction³, 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 Obligation⁴ 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,

² SoCG CD 5.2A

³ CD 4.10

⁴ 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 Report⁵ 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.

⁵ 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 3568m² 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 Broxton Farmland Plateau Landscape Character Area (LCA) as defined in the District level Uttlesford Landscape Character Assessment⁶. 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 green⁷. In addition, Smiths Green Lane, north of its junction with Jacks Lane, is designated as a Protected Lane⁸ 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

⁶ CD 1.95 and 11.4

⁷ ID 16

⁸ 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 Assessment⁹ (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 evidence¹⁰ 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

⁹ CD 1.95

¹⁰ 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" visualisations¹¹. 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.

¹¹ 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 Assets¹², 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.

¹² 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)¹³.
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 16th 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

¹³ 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 pump¹⁴ 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.

¹⁴ 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 England¹⁵ 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 Field¹⁶. 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.

¹⁵ CD 3.1 and CD 3.3

¹⁶ 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 measures¹⁷. 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 Pippins¹⁸, 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.

¹⁷ CD 13.2

¹⁸ 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 Commission¹⁹ 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 1st 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 appellant²⁰ 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 appeal²¹ concerning an issue with strong similarities to this case where that Inspector noted that

¹⁹ CD 12.1

²⁰ Paragraphs 6.28 and 6.31 CD 5.2A

²¹ 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 Test²², 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/19/3243727²³ 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.

²² SoCG para 6.6 CD 5.2A

²³ 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 Guidance²⁴ 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.

²⁴ 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 judgments²⁵ that were drawn to my attention.
100. The appellant drew my attention to several appeal decisions²⁶ 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 Report²⁷, 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.

²⁵ CDs 9.1 – 9.9 and IDs 20, 25, 27, 32, 33 and 34

²⁶ CD 8.1 – 8.14

²⁷ 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

Plans & Documents	
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 th 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 th 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 th 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
Superseded plans and documents	
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
Key Consultee Responses	
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
Determination Documents	
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
Appeal Documents	
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
Development Plan Policies	
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
National Policy	
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
Appeal Decisions	
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
Court Decisions	
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
Heritage Documents	
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)

Design Documents	
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
Ancient Woodland Documents	
CD 12.1	Ancient woodland, ancient trees and veteran trees: advice for making planning decisions 14 January 2022
Proofs of Evidence	
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