

## Decision Notice and Statement of Reasons

Site visit made on 6 March 2024

Hearing held on 10 May 2024

**By D J Board BSc (Hons) MA MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 7 June 2024**

---

**Application Reference: S62A/2023/0030**

**Site address: Land to the west of Clatterbury Lane, Clavering, Essex**

- The application is made under section 62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Uttlesford District Council.
  - The application dated 4 December 2023 is made by Baya Group and was validated on 10 January 2024.
  - The development proposed is Outline application with all matters reserved except access for up to 28 dwellings (Class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure.
- 

### Decision

1. Planning permission is refused for the development described above, for the following reasons:
  - 1) Having regard to its countryside location and accessibility, the site is not a suitable location for the development proposed, contrary to Policies S7 and ENV5 of the Uttlesford Local Plan, adopted January 2005 (the Local Plan) and Government guidance set out in the National Planning Policy Framework (the Framework).
  - 2) The proposal, by virtue of its location, the nature of the site, and its relationship to its surroundings would harm the established character and appearance of the area, contrary to Policy GEN2 of the Local Plan and Government guidance set out in the Framework.
  - 3) In the absence of a completed planning obligation the proposal would not make appropriate provision for affordable housing or toward infrastructure requirements arising directly from the scheme, contrary to Policies H9 and GEN6 of the Local Plan and Government guidance set out in the Framework.

# Statement of Reasons

## Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Uttlesford District Council have been designated since 8 February 2022 in respect of applications for planning permission for major development.
3. Consultation was undertaken on 16 January 2024 which allowed for responses by 13 February 2024. Responses were received from the parties listed in Schedule 1 of this statement. A number of interested parties and local residents also submitted responses. This included the group Keep Clavering Rural (KCR). In addition 28 responses were received from local residents either outlining concerns or explicitly objecting to the scheme.
4. Uttlesford District Council submitted an officer report and minutes following a planning committee meeting on 13 December 2023. The consultation response summarises these documents and sets out the Council's objections to the proposed development on a number of grounds. These reasons were as follows:
  - The proposal will introduce a sizable residential development to an area of open countryside. This would appear out of character with the open rural site and pattern of development within Clavering, this will be therefore harmful to the rural character of the immediate and surrounding area. The proposal would not be appropriate for this rural location and would be contrary to Uttlesford Local Plan Policies (adopted 2005) S7, GEN2 and the NPPF.
  - The proposals by reason of its inappropriate size and scale would amount to the significant loss to best and most versatile ('BMV') agricultural land contrary to Policy ENV5 of the Uttlesford District Council Adopted Local Plan and Paragraph 174(b) of the National Planning Policy Framework.
  - As a result of the location of the application site it is considered that the proposal would not encourage the use of movement by means other than driving of a car to even local facilities. As such the proposal is considered contrary to Policy GEN 1(e) of the Uttlesford Adopted Local Plan 2005.
5. Some of the consultation responses raised issues that required further information and/or revised plans. These include responses from Essex County Council Highways and the Lead Local Flood Authority. Having regard to the Wheatcroft Principles and Holborn Studios, I accepted additional plans and information dated 23 February 2024 and 22 March 2024 in response to those comments and a targeted re-consultation of the relevant consultees, Council, Parish Council and KCR only was carried out on 26

March 2024. The additional submissions led to the agreement of an extension of time to the determination period to 7 June 2024.

6. I carried an unaccompanied site visit on 6 March 2024 which enabled me to view the site, the surrounding area, the nearby roads and public rights of way.
7. I published an Issues Report, prepared under the provisions of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. This included a description of the development, consultation details and material considerations, and explored the main issues to be considered in relation to the application. In addition to that report, I set out an agenda for the public hearing. This was held on 10 May 2024 at Council Chamber, Uttlesford District Council Offices, London Road, Saffron Walden, Essex CB11 4ER attended by an officer of Uttlesford District Council, an officer from Essex County Council and representatives of the applicant. I accepted additional documents at the hearing, and I requested further documents, both of which are listed in Schedule 2 of this decision.
8. After the hearing I received a draft copy of a planning obligation under section 106 (s106) of the Town and Country Planning Act 1990 from the applicant which covers a range of obligations including Affordable Housing, First Homes, Public Open Space, Education, Libraries, Highways Improvements, Biodiversity Net Gain and Healthcare. A CIL compliance statement with reference to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL regs) was supplied by Uttlesford District Council prior to the hearing. At the hearing I made clear requirements for submission of a timetable for submission of a completed obligation.
9. In determining this application, the Planning Inspectorate has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In doing so, the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time, gave clear deadlines for submissions and responses, and accepted amendments submitted by the applicant in response to the matters raised during consultation.
10. I have taken account of all written and oral representations in reaching my decision.
11. The scheme seeks outline planning permission with all matters other than access reserved for future consideration by a planning authority. The following are the application plans:
  - BH\_002\_SLP\_01 P1 – Site Location Plan
  - BH002\_ISP.01 P1 – Illustrative Site Plan
  - BH002\_IMP.01 P1 – Illustrative Masterplan
12. Following the receipt of additional information the following access plans are also application plans:

- 23-T011 06E – Initial Site Layout Review (Pedestrian Visibility Assessment)
- 23-T011 02F – Initial Site Layout Review (Access Arrangement and Visibility Assessment)

## **Main Issues**

13. Having regard to the application, the consultation responses (including re consultation responses), comments from interested parties, the Council's report and Committee resolution, together with what I saw on site and heard at the hearing, the main issues for this application are:
- The effect of the development on the character and appearance of the site and surrounding area.
  - The effect of the scheme on nearby heritage assets.
  - Whether the scheme would make appropriate provision for infrastructure, including the provision of affordable housing.
  - The benefits of the proposal, compliance with the development plan, and the overall planning balance.

## **Reasons**

### *Planning History and Background*

14. An appeal was dismissed on 24 May 2013 for a proposal which sought planning permission for outline planning permission for erection of 31 dwellings with some matters reserved except access, layout and scale<sup>1</sup>.
15. An application for outline planning permission for the erection of 9 dwellings with some matters reserved except access and scale was refused on 6 December 2013<sup>2</sup>.
16. For the purposes of the application of planning policy the site is located outside of the settlement boundary for Clavering and it in the countryside.

### *Location and Principle of Development*

17. The settlement boundary for Clavering is defined in the Local Plan (LP)<sup>3</sup>. The site is situated in the countryside. As such LP policy S7 is applicable which seeks to protect the countryside for its own sake with a strict control over new building only supporting development that needs to take place there or is appropriate for a rural area.
18. The application scheme would not represent infilling within the terms of S7. The site is not a small gap between a small group of houses. There are no other policies that would support the provision of housing in the countryside and as such the scheme would be in conflict with LP policy S7.

---

<sup>1</sup> Appeal ref APP/C1570/A/12/2184181; LPA ref UTT/0507/12/OP

<sup>2</sup> LPA ref UTT/13/2228/OP

<sup>3</sup> Uttlesford Local Plan 2005

19. Policy S7 also addresses the need for new development to have an appearance that would protect or enhance the particular character of the part of the countryside within which it is located or there are special reasons why the development in the form proposed needs to be there. The next main issue considers the effect of the scheme on the character and appearance of the area.
20. The Framework recognises that housing can be located in rural areas. It also highlights the importance of ensuring that significant development is focused on locations which are or can be made sustainable. Paragraph 109 also recognizes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
21. The LP position in the pre amble to S7 sets out the strategic approach to the location of new development. In essence it identifies a hierarchy of locations for new development taking into account existing services and facilities. LP policy GEN1 is also applicable as its criterion e) requires that new development 'encourages movement by means other than driving a car'.
22. Within the vicinity of the application site there are some services and facilities within walking distance. These include The Cricketers Public House, Clavering Village Hall, a gym and a cricket club. It is likely that future occupiers would benefit from the close proximity of these facilities. Nevertheless, it is likely that future occupiers would need to access to a much wider range of services and facilities to meet basic day to day needs.
23. Clavering does have other facilities. These were described to me at the hearing by KCR as being predominantly in the southern area of the village. The primary school, village shop and post office are further from the application site and would not be as easy to access on foot or by bike. In addition to this there are services such as supermarkets, doctors, dentists and secondary schools that would have to be accessed outside of the settlement. The applicant highlights the 306 and 446 bus services. KCR provided copies of the timetables. I appreciate that the services may be limited in some respects and bus stops are not necessarily marked. As such there are some limited choices for future residents. However, I do not consider that 'highly sustainable' is a fair description of the site given these limitations. Therefore, it is probable that there would be a need for future occupiers to use a car on a regular basis.
24. Overall the site has poor access to services and facilities and therefore would be in conflict with LP policy GEN1 and the Framework.

*The effect of the development on the character and appearance of the site and surrounding area*

25. The applicant is seeking outline planning permission with all matters reserved except for access. Nonetheless an indicative layout has been provided to show how a development of up to 28 dwellings could be accommodated on the site.

26. The site is an agricultural field which is now laid to grass. It is positioned close to the junction with Clatterbury Lane. The car park for the Cricketers public house is immediately to the east of the site. The boundaries are characterized by mature hedgerows and trees. In its current form the site functions as a transitional area from the settlement boundary to the open countryside beyond.
27. The site lies within the Landscape Character Area (LCA) H3 Langley Chalk Upland as defined in the Landscape Character of Uttlesford District (2006). The site itself does not exhibit the key characteristics of the LCA but they are evident in the wider area beyond the site and wider settlement. I appreciate that the site is well contained by mature landscaping. However the site is transitional between the edge of the settlement and the countryside beyond.
28. The application was supported by a Landscape and Visual Impact Assessment (LVIA)<sup>4</sup>. This assessed the site itself as making a positive contribution to the local landscape character of the area. There are a variety of views of the site from private, transport and public locations. The LVIA acknowledges that in the short term the magnitude of visual effects would be medium to low negative and that the magnitude of landscape effects would be minor negative. Without mitigation high sensitivity visual receptors would suffer major adverse effects. The LVIA sets out that following mitigation the adverse effects of the development would reduce to become at worst minor adverse residual effects with a negligible neutral effect in landscape terms achieving a negligible neutral effect overall.
29. The wider settlement is characterised by both residential and employment development. Along the east side of Clatterbury Lane the residential development has a predominantly linear form. This pattern of development continues to the south and into the further areas of Clavering. Eldridge Close is opposite the application site and is a newer development which has a different layout approach.
30. I acknowledge that the site is located adjacent to the existing settlement and that there have been some additions to the settlement pattern over time and that the site is contained visually. Nevertheless, there would be visual harm arising from the change from an open field to buildings. I appreciate that there would be setbacks, buffers and a detailed landscape scheme as set out in the submitted Strategic Landscape Masterplan. Nonetheless the undeveloped and transitional nature of the site would be lost to built form.
31. For these reasons, the proposal would be harmful to the character and appearance of the area and it would conflict with LP Policies S7 and GEN2, which collectively require that new development protects countryside character and is compatible with surrounding buildings. It would also conflict with Framework Paragraph's 116c and 128d which outline that

---

<sup>4</sup> [assets.publishing.service.gov.uk/media/65a11deae8f5ec000d1f8c5d/1055-DLA-0001-LVIA-P02\\_Redacted.pdf](https://assets.publishing.service.gov.uk/media/65a11deae8f5ec000d1f8c5d/1055-DLA-0001-LVIA-P02_Redacted.pdf)

development should respond to local character and that decisions should take account of the desirability of maintaining an area's prevailing character, respectively.

*The effect of the scheme on nearby heritage assets<sup>5</sup>*

32. There is an obligation under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision-taker to have special regard to the desirability of preserving the listed buildings, their settings and any features of special architectural or historic interest.
33. The application is supported by a Heritage Statement (HS). At the hearing a query was raised regarding non designated heritage assets near the site. The Council confirmed that Clavering Court is not a designated or non-designated heritage asset. The HS identifies sixteen listed buildings within 500m of the site and identified that it would appropriate to scope three for detailed consideration. This was not disputed by the Council. At the hearing I also received a submission from KCR on the issue of heritage in addition to their Heritage Assessment.
34. The three buildings focussed on in the HS are Peacocks (Grade II)<sup>6</sup>, Lantern Thatch (Grade II)<sup>7</sup> and The Cricketers (Grade II)<sup>8</sup>. It also highlights the Clavering Conservation Area the boundary which is close to the application site.
35. Peacocks is a cottage situated on the eastern side of Clatterbury Lane just after the junction to Stickling Green. It is a vernacular cottage having a timber frame and thatched roof. It primarily derives its significance from its age and architectural form which contribute to the character of the village. There is a separation between the application site and Peacocks with Clatterbury Lane and existing commercial units intervening. For these reasons there would be no harm to this heritage asset as a result of the proposal.
36. Lantern Thatch is a 17<sup>th</sup> Century cottage in vernacular style. It is constructed of timber frame and plaster with a half hipped thatch roof. It primarily derives its significance from its age, architectural form and aesthetic. The HS also demonstrates that it is one of the earliest developments in the village and thereby contributes to the historic and domestic character of the village. Lantern Thatch is situated along the B1038 beyond the junction with Clatterbury Lane. Its setting is predominantly comprised of its own plot and the principal view of the property is through a gap in the front boundary treatment. For these

---

<sup>5</sup> [2023\\_12\\_04 - 4050 - Clavering - Heritage Statement Redacted.pdf \(publishing.service.gov.uk\)](#); [Keep Clavering Rural 1 Redacted.pdf \(publishing.service.gov.uk\)](#) Appendix 2

<sup>6</sup> List entry no. 1322475

<sup>7</sup> List entry no. 1170805

<sup>8</sup> List entry no. 1306087

reasons there would be no harm to this heritage asset as a result of the proposal.

37. The Cricketers is a public house dating from the 16<sup>th</sup> Century. Its architectural interest is derived from its age and vernacular style. The building has been altered and some retention of historic fabric is noted in the form of the timber frame. The setting of The Cricketers is defined by its prominent position on the junction between Clatterbury Lane and the B1038, its principal elevation facing onto the junction though slightly set back with a buffer of a beer garden and low rise hedging. Its wider setting has changed over time, in particular with the addition of the car park directly opposite and nearby modern warehouse development. The building is best appreciated when travelling on the B1308 and this would not be affected if the application site were developed. In addition there is a physical separation between the Cricketers and the site and mature planting is present providing a buffer. Therefore, for these reasons, there would be no harm to this heritage asset as a result of the proposal.
38. The site is not within the Clavering Conservation Area (ENV1) and there would be no harm to any heritage assets as a result of the proposal. The proposed development therefore accords with Local Plan Policy ENV2 and the relevant provisions of the Framework in relation to heritage assets.

*Whether the scheme would make appropriate provision for infrastructure, including the provision of affordable housing*

39. The applicant has provided a draft planning obligation which was available at the hearing. The matters that it was agreed with the Council should be addressed are: Affordable housing, Education contributions, Libraries contribution, NHS contribution, provision of and management of open space, Biodiversity net gain, Highway works. Whilst it addresses these contributions the planning obligation has not been completed. In the absence of this the application scheme would be in conflict with LP policies H9 and GEN6 which require provision of affordable housing and contributions towards infrastructure made necessary by the proposed development.

## **Other Matters**

### *Drainage*

40. The Lead Local Flood Authority (LLFA) is now satisfied with the approach to drainage set out in the Flood Risk Assessment<sup>9</sup> and Flood Risk Addendum<sup>10</sup>. The applicant specifically addressed the attenuation based drainage strategy to meet the 1 in 1 year greenfield runoff rate, as required by the LLFA. The applicant made clear their approach to infiltration and attenuation. In particular that the geological records indicate an infiltration based drainage strategy could be viable, but they have planned for if this is not the case. The matter of on site and off site storage is addressed as well along with how run off from roofs would be addressed. Overall the

---

<sup>9</sup> [Microsoft Word - 20230906-SuDS-Land at Clavering-A2 \(publishing.service.gov.uk\)](#)

<sup>10</sup> Letter from applicant dated 14 March 2024

applicant has demonstrated that development of the site would not increase the risk of flooding through surface water runoff.

41. As such subject to appropriately worded conditions pertaining to foul and surface water drainage this would not be a reason to resist the grant of planning permission. The proposed development therefore complies with Local Plan Policy GEN3.

#### *Highways*

42. The Local Highway Authority<sup>11</sup> (LHA) confirmed that it does not object to the scheme. This was based on the additional information and submitted drawings. This was subject to the imposition of conditions and highway works set out in the planning obligation. I understand that interested parties are concerned about the location of the pedestrian entrances and extended footpath. Concerns were also raised regarding loss of vegetation due to highway works and access for refuse vehicles.
43. The submitted Transport Assessment<sup>12</sup> addresses tracking, drawing 03 D in the appendices. The LHA officer confirmed that the tracking was appropriate and as such a refuse vehicle would be able to safely enter and exit the site. A speed survey was done in response to the initial comments from the LHA to determine appropriate visibility. The LHA are satisfied with the access arrangements based on this. I appreciate that achieving the splays would lead to a loss of existing vegetation should it go ahead. However the applicant has demonstrated that suitable replacement could be provided if the highway works went ahead. There are no highway safety reasons to resist the scheme.
44. For these reasons I do not consider that the proposal would have an adverse impact on highway safety. It would therefore accord with Local Plan Policy GEN1 insofar as this policy relates to highway safety.

#### *Effect on BMV land*

45. Policy ENV5 sets out that development on 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...*'
46. The site is classified as Grade 2, which is regarded as BMV land. It is considered to be small in agricultural terms (bounded by vegetation boundaries and therefore not part of a larger agricultural field). The site as existing is vacant grassland.
47. The applicant has confirmed that the site has not been used for agricultural purposes for several years and the high quality of land across most of the

---

<sup>11</sup> Response dated 10 April 2024

<sup>12</sup> [2023.11.29 Clatterbury Road Clavering Transport Statement Final Redacted.pdf \(publishing.service.gov.uk\)](#)

district means that some loss is inevitable. The Council's committee report acknowledged this point and that the previous appeal decision did not focus on this matter.

48. Therefore whilst there would be technical conflict with LP policy ENV5 I do not consider that the development would not represent a significant breach and that this ground alone would not be a reason to resist the grant of planning permission.

### *Biodiversity*

49. The application was accompanied by a Biodiversity Checklist<sup>13</sup> and Ecological Assessment<sup>14</sup>. Overall, it is demonstrated that the site could be developed without harm to protected species. A series of mitigation and enhancement measures are proposed within the assessment which are proportionate. Therefore, subject to appropriate conditions the development would not result in an adverse impact on biodiversity. It would therefore accord with LP Policies GEN7 and ENV8.
50. The Biodiversity Net Gain Assessment<sup>15</sup> shows that the scheme would result in a net loss in biodiversity as measured by the metric. Off-site compensation would need to be considered to achieve a net gain. This is addressed in Schedule 5 of the draft planning obligation<sup>16</sup>.

### *Emerging Local Plan*

51. The Council has published and consulted on the draft Regulation 18 Local Plan (ELP). I note that the ELP does provide an indication of the need for housing in the district. Clavering is identified within the ELP as a 'Larger Village'. Draft Core Policy 19 outlines that 1000 dwellings will be delivered through non-strategic allocations over the plan period, of which 111 will need to be delivered in Clavering. However, it has not yet been examined and found sound. As such the weight to be afforded to it in decision making is limited.

### **The Planning Balance**

52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance

---

<sup>13</sup>

[https://assets.publishing.service.gov.uk/media/65a12455e8f5ec000f1f8c61/Biodiversity\\_Checklist\\_Redacted.pdf](https://assets.publishing.service.gov.uk/media/65a12455e8f5ec000f1f8c61/Biodiversity_Checklist_Redacted.pdf)

<sup>14</sup>

[https://assets.publishing.service.gov.uk/media/65a11dece8f5ec000d1f8c5f/11745.EcoAs\\_vf1\\_complete\\_Redacted.pdf](https://assets.publishing.service.gov.uk/media/65a11dece8f5ec000d1f8c5f/11745.EcoAs_vf1_complete_Redacted.pdf)

<sup>15</sup>

[https://assets.publishing.service.gov.uk/media/65a11debe96df50014f84552/11745.BNG\\_vf1\\_complete\\_Redacted.pdf](https://assets.publishing.service.gov.uk/media/65a11debe96df50014f84552/11745.BNG_vf1_complete_Redacted.pdf)

<sup>16</sup> [Draft Section 106- Land to West of Clatterbury Lane Clavering Redacted.pdf \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/media/65a11debe96df50014f84552/11745.Draft_Section_106-Land_to_West_of_Clatterbury_Lane_Clavering_Redacted.pdf)

with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.

53. Framework Paragraph 11d sets out what the presumption in favour of sustainable development means for decision-taking. In this case paragraph 11d(ii) is engaged which is clear that planning permission should be granted 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.
54. I have found that the proposed development would have poor access to services and facilities and that it would result in an over-reliance on the private motor vehicle. As such, the proposed development would conflict with Framework Paragraph 109. I attribute substantial weight to this conflict given that it relates to the principle of development.
55. The proposed development would have a significant harmful impact on existing settlement character, and it would have a harmful visual impact on the transition between the rural character of the countryside and the settlement. It would therefore conflict with Framework Paragraphs 116c and 128d. I attribute significant weight to this. In the absence of a final planning obligation there would not be provision of affordable housing secured for the scheme. Therefore there would be conflict with LP policy H9.
56. There would be social and economic benefits associated with the provision of dwellings. These would be from biodiversity enhancement, provision of open space, support for employments during construction, the economic benefits associated with increased population, improvements to the public highway. These are all benefits which are consistent with the Framework. However, in the absence of an obligation some would not be secured, there would be conflict with LP policy GEN6 and some would not be the main benefits from the scheme. As such I afford them moderate weight.
57. Therefore, any benefits arising from this scheme would not significantly and demonstrably outweigh the adverse effects of the provision of dwellings in the countryside. As such the Framework is a material consideration which weighs against this scheme.
58. Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In the circumstances of this case the other material considerations do not justify making a decision other than in accordance with the development plan.

### **Planning Obligations**

59. I am refusing planning permission therefore it is not necessary to consider whether the planning obligations set out comply with the tests outlined in the Framework.

## **Conditions**

60. The Council and a number of consultees have recommended and requested conditions to be imposed should the application be permitted. Having reviewed these conditions, in my view considering the application as a whole, imposing these conditions would not overcome or otherwise outweigh the harm I have found in my reasoning above.

## **Conclusion**

61. The proposed development conflicts with the development plan taken as a whole. There are no material considerations which indicate a decision other than in accordance with the development plan. Planning permission is therefore refused.

*D J Board*

Inspector and Appointed Person

## **Schedule 1 – Consultation**

- Affinity Water Ltd
- Cadent Gas Ltd
- ECC Minerals and Waste
- ESP Utilities
- Essex Police Designing out Crime
- HSE
- MAG Highways
- National Grid
- SSE Utility Solutions
- UDC Housing Strategy Enabling Development Officer
- UDC Urban Design
- UK Power Networks
- Environment Agency
- MAG Safeguarding
- NATS Safeguarding
- Place Services – Historic Environment
- UDC Heritage Conservation
- Clavering Parish Council
- ECC Lead Local Flood Authority
- Hertfordshire and Essex Integrated Care Board
- Natural England
- Thames Water
- ECC Highways and Transportation
- ECC Infrastructure Planning Officer
- National Highways

## **Schedule 2 - Documents**

### **Documents submitted at the Hearing**

- 1) Landscape note submitted by Keep Clavering Rural
- 2) Statement on heritage submitted by Keep Clavering Rural
- 3) Highways statement submitted by Keep Clavering Rural
- 4) Statement regarding the site's distance from village facilities submitted by Keep Clavering Rural
- 5) Statement regarding transport matters submitted by Keep Clavering Rural

### **Documents requested at the Hearing**

- 1) Timetable for submission of planning obligation
- 2) Final agreed conditions
- 3) Confirmation on status of Clavering Court as a non-designated heritage asset

### **Informatives:**

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner with the applicant to seek solutions.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>