



**The Town and Country Planning
(Section 62A Applications) (Hearings) Rules 2013**

**ISSUES REPORT
and
OUTLINE AGENDA**

Application Reference No: s62A/2023/0019RD

Applicant: Mr J Spencer of Weston Homes PLC

Proposal description:

Site address: Land to the north of Roseacres, between Parsonage Road and Smiths Green Lane, Takeley, Essex, CM22 6NZ (Land also known as Bull Field, Warish Hall Farm, Takeley, Essex)

Easting 556844 **Northing** 222165

Report by: Mr Cullum Parker, BA(Hons) PGCert MA FRGS MRTPI IHBC

Consultation periods:

First: Between 2 August 2023 and 7 September 2023

Second (Re-determination): Between 29 November 2024 and 10 January 2025

Issue date: 22nd January 2025

Hearing to be held on: Thursday 6th February 2025

Hearing Location: Uttlesford District Council Offices, Saffron Walden

Proposal and background

1. This application was made under Section 62A of the *Town and Country Planning Act 1990*, as amended, (TCPA) which allows for applications directly to the Planning Inspectorate where an LPA has been designated by the Secretary of State.
2. A previous decision (dated 15 December 2023) was quashed by the High Court. Ostensibly, that means that the previous decision ceases to have legal effect. As part of its decision, the High Court Ordered that the Secretary of State shall reconsider and decide the Claimant's (the applicant in this case) application following a fresh hearing before a different Inspector.
3. To that end, the Secretary of State has, under s76D TCPA, appointed myself, Mr C Parker, to determine the application in accordance with both the High Court Order and the TCPA. As the appointed person, I have determined that a Hearing is appropriate in this case. This is due to be held on **Thursday 6 February 2025** at Uttlesford Council Offices, Saffron Walden.
4. It will be conducted in accordance with *The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013*. This Issues Report is issued in accordance with Rule 5 of these Rules.
5. The application has been screened under *The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017*, (as amended) by the SoS. This development is not Environmental Impact Assessment (EIA) development as, in terms of the EIA regulations, it is not likely to have significant effects on the environment.
6. The application seeks the erection of up to 96 dwellings on an unallocated site near to/adjacent to the settlement of Takeley.

Representations

7. The application was made on 12 June 2023 and validated on the 2 August 2023. Two periods were provided for representations to be made by the designated planning authority, statutory consultees, and any interested parties.
8. The first period occurred before a Hearing held on 2 October 2023 and 13 November 2023. A second consultation period was held after the 'original' decision was quashed by the High Court Order. This ran between November 2024 to 10 January 2025.
9. The comments received from all consultations have informed the main issues, as has the information contained within the submitted application.
10. All comments have been provided and published on the gov.uk website relating to this case. This can be found at this link: <https://www.gov.uk/guidance/section-62a-planning-application-s62a20230019-land-to-the-north-of-roseacres-between-parsonage-road-and-smiths-green-lane-takeley-essex-cm22-6n>
11. There is also a webpage containing documents submitted at the re-determination stage. This can be found at the above webpage and also at:

<https://www.gov.uk/guidance/redetermination-of-section-62a-planning-application-s62a20230019-land-to-the-north-of-roseacres-between-parsonage-road-and-smiths-green-lane-take>

12. The application, and the associated documents, can also be found by using a search engine.
13. Uttlesford District Council submitted a comprehensive Officer's Committee Report. The Council confirmed on 4 September 2023 that the Local Planning Authority OBJECTS to the development.

Main Issues

14. The following, in my opinion, are the main issues to be considered in respect of the relevant application at the present time:
 - (i) Whether or not the proposal is located in an acceptable location with specific regard to sustainability, and effects on character and appearance; and,
 - (ii) The effect of the proposed development on the setting and significance of nearby heritage assets, including listed buildings; and,
 - (iii) The effect of the proposal on the nearby Ancient Woodland known as Priors Wood; and,
 - (iv) The effect of the proposal in terms of pedestrian and traffic movements into and out of the site in relation to highway safety; and,
 - (v) Whether adequate provision has been secured for any additional need for infrastructure or facilities, including transport, education, community and health facilities, and open space arising from the development; and,
 - (vi) Whether, having regard to the supply of housing within the locality, what is known as the 'tilted balance' set out in Paragraph 11(d) of the National Planning Policy Framework applies, and if so, the effect of its application in this case.
 - (vii) The overall planning balance.

Legal agreement

15. A legal agreement under Section 106 of the TCPA, dated 10 November 2023 has been submitted. Prior to the s62A Hearing, the Applicant should clarify whether or not this remains before the decision-maker and should be taken into account. Alternatively, if this document has now been superseded the relevant document should be submitted to the Case Officer at the Planning Inspectorate no later than **Wednesday 29 January 2025**.
16. The Council should submit a document detailing how any monies or other obligations sought in the submitted s106 document meet the test set out in Paragraph 58 of the Framework. These are:

'58. Planning obligations must only be sought where they meet all of the following tests:

 - a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.'*

17. The planning obligations test compliance document should be submitted no later than **Friday 31 January 2025**. This should demonstrate how any monies sought for infrastructure align with policies of the adopted development plan. It should also include a short section on the justification for the affordable housing contained within any submitted legal agreement under s106 of the TCPA.

Suggested Conditions

18. The Council and some consultees have recommended or suggested conditions if the application is to be permitted. Without prejudice, these will be discussed at the Hearing as appropriate. Any discussion of their merits does not indicate that a decision has been made on the application, but only that the conditions suggested are to be assessed as to whether they are necessary, relevant, enforceable, precise and reasonable.

19. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the Case Officer before the Hearing opens. These will be published on the gov.uk website. These should be provided no later than Friday 31 January 2025.

C Parker

INSPECTOR (Appointed person under s76D TCPA)



Outline Agenda

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*'5.1.2. In the event that a hearing is required its purpose will be for the Inspector to allow any who wish to make oral representations and for the Inspector to put questions to address any points of fact or outstanding queries they may have. It is not a forum for parties to seek to test the evidence of others through cross-examination or direct questioning.'*¹

1. **Inspector's opening** – including summarising main issues set out in this report.
2. **Oral representations** made by those who have specifically requested to speak at the representation stage.

Approximate time limits for speaking (at discretion of the Inspector):

| Speakers | |
|--------------------------|-------------------|
| Members of the public | 3 minutes (each) |
| Councillors | 5 minutes (each) |
| Statutory Consultees | 10 minutes (each) |
| Non-statutory consultees | 5 minutes (each) |
| The Council | 15 minutes |
| The applicant | 30 minutes |

Note:- Interested parties (for example neighbouring occupiers or local interest groups) may consider that it is a more effective and efficient use of their time to co-ordinate any oral representations.

3. Questions from the Inspector
4. Conditions Session – without prejudice
5. Hearing Closed

¹ <https://www.gov.uk/government/publications/planning-applications-process-section-62a-authorities-in-special-measures/procedural-guidance-for-section-62a-authorities-in-special-measures>