

Appeal Decision

Inquiry commenced on 13 January 2015

Site visit made on 21 January 2015

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 1 June 2015

Appeal Ref: APP/C1570/A/14/2222958

Land off Walden Road, Thaxted

- 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 Mrs Emma Tutton, Gladman Developments Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/14/1033/OP, dated 9 April 2014, was refused by notice dated 19 June 2014.
 - The development proposed is an outline application for residential development for up to 120 dwellings, provision of open space and recreational facilities, site access, associated highway and infrastructure works.
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Procedural Matters

1. The inquiry was held on 13 – 16 January, 20 – 23 January and 30 January 2015.
2. This is an outline planning application where all matters are reserved apart from access. The application is for up to 120 dwellings, with an illustrative layout of how this could be achieved. Illustrative plans related to a second application for up to 100 dwellings are also considered.

Decision

3. The appeal is dismissed

Main Issues

4. The main issues are:
 - The effect on the character and appearance of the surrounding area.
 - The effect on heritage assets, including nearby listed buildings and conservation area.
 - The need for housing, and sustainability of the development in terms of the National Planning Policy Framework [the Framework].

Reasons

Character and Appearance

5. The development plan includes the Uttlesford Local Plan [LP]. Given the situation with the emerging local plan, it was common ground that the emerging policies should not be considered in relation to this appeal.
6. LP Policy S7 indicates that land outside of settlement boundaries is part of the countryside and will be protected for its own sake. Planning permission will only be granted for development that needs to take place there or is appropriate for rural development. There will be strict control of new building.
7. The appellant argues that this policy is out of date / inconsistent with the National Planning Policy Framework [the Framework]. The provision of the settlement boundary clearly is to constrict development to within the boundary and to that extent LP Policy S7 is a housing policy and this has to be considered in the light of the aims of the Framework. However, that does not mean that this part of the policy is not in compliance with the Framework. The aim to protect the landscape is clearly consistent with the Framework principle that indicates the intrinsic character and beauty of the countryside should be recognised, while supporting thriving rural communities within it and I attach considerable weight to this aspect of the policy.
8. The council refers to LP Policy ENV3, which indicates that development that would result in the loss of traditional open spaces and other visually important spaces will not be permitted. The council identifies the appeal site as a visually important space, although there is no formal policy designation. The Policy itself is generally worded and does not help with detailed identification of what is to be protected. I do not accept the council's argument that it can therefore apply to any space it identifies as being visually important, as it could be applied to anywhere.
9. In my opinion, reference needs to be made to the accompanying text to understand the policy. The text refers to these as open spaces of high environmental quality in many towns and villages and may include narrow tongues of agricultural land. However, it also notes that normally it has been possible to protect such areas by ensuring that they lie beyond defined settlement boundaries. While all such sites do not have to be specifically identified on the proposals map, some are. The appeal site is not identified.
10. The appeal site is not within the town and, in my view, would not fit the description of a narrow tongue of agricultural land, being a very large, open agricultural field. The land of the appeal site has clearly been excluded from the town by the settlement boundary and LP Policy S7 is relevant to the extent that I have explained above. I do not consider that this is an area of land that comes within the terms of LP Policy ENV3 and it is therefore not relevant to this decision. That does not mean that the site cannot be visually important in relation to the town and countryside and this is considered below.

11. LP Policy GEN2 relates to design of development. The development needs to meet various criteria, including compatibility in terms of, amongst other things, scale, form and layout of surrounding buildings. I acknowledge that design is not an issue for this appeal, it being a reserved matter. However, design does not just encompass the details of the specific layout and detail of the proposal, but also relates to the layout of the development in locational terms and its general relationship with the surrounding area, and in these terms I consider that the 'scale' of the development relating to its numbers and site area in relation to the adjacent town is relevant. However, reading the policy and its accompanying text, I consider that the policy is directed at the detailed design of individual developments and not their overall scale and location in relation to their surroundings and in these terms I do not consider that LP Policy GEN2 is relevant.
12. There is also the Thaxted Design Statement, which is not supplementary planning guidance or associated directly with any LP Policy. I note that it was produced by local people, with guidance from professionals, and I consider that as it has been the subject of public consultation and adoption by the council reasonable weight should be attached to it.
13. The appeal site is about 5.5 hectares, located to the north of Thaxted adjacent to the development boundary and between Walden Road and Watling Lane. It is currently in agricultural use. There is residential development to the south of the site and to the west along Watling Lane. Across Walden Road from the appeal site is a recreation ground with new houses beyond it. To the north is agricultural land. A public right of way passes through the appeal site to the north, following the slope of the field down to Watling Lane and there is also a public right of way along Watling Lane, which is part of the Harcamlow Way long distance route.
14. The site is located on the slope of the River Chelmer Valley, with a fall across the site of approximately 19m. In terms of categorisation of the landscape, the site lies in broad terms within the South Suffolk and North Essex Claylands character area and it is common ground that the impact of the development on the broad or wider landscape character would be negligible and I concur with that.
15. The appeal site is within the Thaxted Farmland Plateau character area, which is summarised as gently rolling plateau, almost flat in some areas, incised by the rivers Pant and Chelmer. The overall character is a plateau of broad, gently undulating arable farmland, with irregular field patterns bounded by hedgerows, that are often broken or gappy, with some deciduous trees that give distant structure to the landscape. Visual characteristics are noted to include the 'outstanding ancient town of Thaxted' and two visually prominent pylon routes in close proximity to Thaxted.
16. I consider that the appeal site is visually very important in relation to its contribution to the setting of the town of Thaxted and much more so than some of the other fields around the town, because of the way that the site slopes steeply away from the town perimeter towards the river Chelmer. The slope makes the field extremely prominent in many views from the north and west. Principally, these are from a considerable number of footpaths that cross the landscape on the opposite side of the river Chelmer. While a number of particular viewpoints have been identified in the landscape study, it was clear

from the site visit that because of a lack of intervening vegetation along much of these routes, views to the town of Thaxted are continually prominent when walking towards the town, providing pleasing and important vistas of the town and church.

17. The sloping site makes a major contribution to the views and landscape setting of the town. Site inspection shows that from these surrounding areas, the number of houses on the appeal site would be readily apparent, running down the hillside and giving the impression of a very large increase in the number of houses, which I consider would be unacceptably visible in these views. They would be highly prominent and intrusive, causing not only harm to the rural character of the landscape, but also severe visual harm because of their bulk and scale. I appreciate that the number of houses could be reduced to, say, that as illustrated in the up to 100 dwelling scheme or even less, but because of the slope of the land I still consider that this would cause major harm to the character and appearance of the area. I am unable to envisage how even a small number of houses could be acceptably located on the site.
18. I have taken account of the proposed landscaping and the visualisations help to understand the impact of the proposed development. Even after the 15 years illustrated, the visual impact of the dwellings on the site would be likely to remain substantial. Again this is because of the slope of the site, which means that perimeter landscaping would be unlikely to acceptably mitigate the harm of the development towards the top of the hill.
19. In terms of close proximity to the site, the development will inevitably change what is an agricultural field with a rural character to a large housing estate. For those users of the footpath that pass down the field and those using the Harcamlow Way along Watling Lane, the character of the area will be changed substantially. Rather than passing down the northern edge of the appeal site in the countryside with agricultural land on each side, users would be walking along the edge of the town.
20. I appreciate that with both illustrated schemes there would be a landscape buffer, larger with the 100 dwelling illustration, and retention of existing hedging along Watling Lane but, in my view, the presence of the houses would be readily apparent either through or over the planting or through the suggested openings that would be provided to form vistas looking towards the church. The appellant suggests that these would be benefits of the proposal. While I accept that providing such vistas is worthwhile, it cannot make up for the loss of what is currently a continuous view towards the town and spire as you climb the hill along the north footpath and the harm of the development in terms of character and visual appearance would be far greater than the benefits of the landscape buffer and vistas.
21. I acknowledge that there are already houses in the views, including those beyond the recreation ground, Little Maypole, The Maypole and Clare Court. However, in my opinion, these do not have the same 'in depth' impact that the appeal proposal would have because of the slope of the land. I accept that particularly houses within The Maypole, with some houses behind, are built down the slope of the valley. However, in distant views these properties do not appear nearly as prominent as I consider would the appeal proposal because of the depth of houses that would be visible over a large area.

22. I acknowledge that the housing at The Maypole follows the slope of the hill, but the overall fall of the land at The Maypole is a little less than at the appeal site, because Watling Lane, which it falls to, rises up a reasonable extent at the point that it intersects with The Maypole and these houses do not have a substantial impact in views. In addition, the number of houses at The Maypole, Clare Court and Little Maypole is considerably less. The houses beyond the recreation ground, although extending northwards a considerable amount, are seen as a line of houses and again not in depth, which reduces their impact.
23. I have also taken account of the dwellings along Watling Lane. Whether or not these are identified as urban fringe or rural in character, they do extend dwellings out from the town centre into the countryside to the north and west. However, because of the number and layout of the dwellings they do not have a significant impact on the surrounding character and appearance of the countryside. Their presence does not justify the intensity of the proposed development where the houses of either illustrated scheme would have a substantial harmful impact on the countryside and setting of the town.
24. The presence of the appeal site would also be experienced when approaching along the Walden Road, which would be most likely in cars. The hedges along the road would provide some screening, but particularly in winter the dwellings would be visible and there would be a large opening in the hedgerow for the new entrance. While I accept that some of those in the cars would be concentrating on the road, passengers could be looking out. I consider the presence of modern housing would also have a negative impact from this approach.
25. I acknowledge that there are a number of pylons that are part of the landscape to the north and west and these are very prominent features in the countryside in views from the various footpaths and roads. While these do detract considerably from the views towards Thaxted, they are distinctive and a necessary feature to distribute electricity. I do not consider that their presence justifies the additional impact that housing on the appeal site would cause to the countryside or mean that less weight should be attached to the current benefit of the appeal site to the character and appearance of the area.
26. The proposal would conflict with the aims and objectives of LP Policy S7 and also with the aims and objectives of the Framework in that it does not sufficiently recognise the intrinsic character and beauty of the countryside. The planning balance is considered below.

Heritage Assets

27. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires when considering applications that may affect a listed building or its setting, that special regard be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. LP Policy ENV2 indicates that development affecting a listed building should be in keeping with its scale, character and surroundings. Development proposals that would adversely affect the setting of a listed building will not be permitted. I consider that the aims of this policy are broadly consistent with those of the Framework. However, the policy is inconsistent with the Framework requirement to assess development in terms of the harm caused and balance that against the benefits. To that extent the need to weigh the effect on significance against public benefits in the Framework takes

preference, but subject to this I consider that LP Policy ENV2 should have considerable weight.

28. According to the list description, St John the Baptist Church is grade I listed. It is built with flint rubble and stone dressings and has broad, long proportions with large windows. It has a chancel with north and south chapels, an aisled nave, with two storey porches, north and south transepts and a stone tower and spire. It is one of the largest churches in Essex, reflecting the medieval prosperity of the town and, in my view, the relationship of a very large church to a relatively small town is an important contribution to its significance.
29. It has considerable aesthetic and historic significance, being a fine and well preserved example of a late medieval church. Its overall significance relates to its history, architectural detailing and relationship with Thaxted socially and physically. It has considerable aesthetic significance as an important visual feature forming a dominant and attractive focal point in many views in and from around the town, some at considerable distance. I consider the visual qualities of the church, particularly the tower and spire and the way they dominate and fit into the town as perceived from the town and the surrounding landscape, are very important factors that contribute to the significance of the church.
30. The appeal site is not part of its immediate setting formed by the town and surrounding streets, which I acknowledge make a very important contribution to significance. However, part of the setting of the church is the wider landscape surrounding Thaxted and the appeal site is an important part of that. In this respect I agree that the approach to Thaxted from the south is particularly important. As you approach from the south the town opens out before you with part of the historic core becoming visible, dominated by the presence and relationship of the two tall structures of the church and windmill.
31. However, that does not mean that other approaches are not important. I consider that in the approaches from the north and west along roads and public rights of way, the setting of the church in the town, surrounded by a rural landscape, is also very important and this visual relationship makes a significant contribution to the special architectural and historic significance of the listed building. In this respect the appeal site is important as it intervenes or is visible in many views of the church from along the rights of way and as it is sloping the field is very prominent, so changes to it will have a considerable effect on the setting of the church. I consider that changes to the setting through the proposals on the appeal site would considerably harm the visual significance of the church as seen from the north and west and would affect its setting.
32. English Heritage has considered the proposals for up to 120 dwellings and for up to 100 dwellings. It concluded that the development would harm the significance of the church because of changes to the setting and views of the church from the north. English Heritage noted that the reduced scheme was an improvement, but that there would still be harm to the significance of the church because of the changes to the setting and views from the north. It also, while welcoming the heritage statement, considered that it underplayed the amount of change proposed within the site and the impact of development on views of the church. Its advice is that this harm should be balanced with the public benefits of the proposal. While there is no assessment made by English

Heritage of the level of harm identified, I concur with the appellant that this would, in terms of the Framework, be categorised as being 'less than substantial' harm and the council is of a similar view.

33. In English Heritage's letter related to the larger scheme, concern was also noted in relation to the impact of the development on the character, setting and significance of Thaxted, including the cumulative impact. It notes that the town retains a small, compact and historic character, focused on the conservation area with relatively little modern development. Concern was noted in relation to the cumulative effect of this development in addition to other new houses that have recently been permitted.
34. I consider that the special architectural and historic interest and significance of the Thaxted Conservation Area relates to the historic development and layout of the streets and buildings and their inter-relationship. In addition, the style and detailing of the buildings (many of which are listed), construction methods and materials are relevant. The 'Essex vernacular' including peg tiles, brick chimneys, timber framing, timber boarding, brickwork and pargetting are important features.
35. There is concern that the additional traffic generated would have an impact on the ambience of the conservation area, because of additional movements and parking. However, the relative increase in traffic is not great even at peak hours, with only a very small number of additional cars generated per minute. I do not consider that this would be noticeable even at the peak periods morning and evening. While people could drive into town from the appeal site, given the proximity, I consider that walking and cycling would be more likely. And while there is a hill across the appeal site, the walk along Watling Lane provides a reasonably gentle gradient into the centre. Even if cars were taken in, there are parking restrictions and car parks are provided. I do not consider that the additional traffic generated would have a harmful effect on the conservation area.
36. The appeal site is not within or directly adjacent to the conservation area and there are limited views between the two. The main way that the conservation area can be visually identified from the appeal site and surrounding area is through views of the church, which I have considered above. I do not consider that the conservation area would be visually directly affected by the proposed development.
37. The approach to the town from the north along Walden Road (even accepting that from the south is more important) provides an important approach to the historic core, where the extent of modern development passed through is currently relatively small, with that to the left being set back behind the recreation ground and that to the right not being of a considerable depth before the older houses are reached.
38. The presence of the development on the appeal site, while being on the down slope and set behind a hedge, would still be very evident, particularly through the new entrance, and its presence and scale would impact on the approach and appreciation of the historic centre, altering the character and appearance of the town's setting. I acknowledge that this impact would be reduced with the up to 100 dwelling scheme and that a significant reduction on 100 dwellings could mitigate this impact further. However, it is difficult to say what number would reduce the impact to an acceptable level, particularly when viewed from

the north and west. These illustrated schemes would have a significant impact on the overall historic nature of the town and I attach considerable weight to the harm.

39. I have taken into consideration the windmill whose significance is identified in the list description and evidence. It is clearly a building of major architectural and historic interest, which relates to its age, history, use and distinctive visual profile.
40. While I acknowledge that the windmill would have been likely to have had a general association with the surrounding agricultural land, there is no evidence of a direct relationship with the appeal site. The appeal site is not the same as the agricultural fields that are directly next to the windmill on the south side, which clearly are very important to its setting and significance. Even from the footpaths to the west and north where the appeal site and windmill can be seen together, they are seen as being distinctly separate, because of the intervening hill, dwellings and considerable distance. Because of the distance and topography the appeal site is not visually important in relation to the windmill. I consider the setting of the windmill would be preserved with the proposed development at the appeal site.
41. I acknowledge that in terms of the Framework it would be considered 'less than substantial harm' and I consider the public benefits balance in relation to the proposal as part of the planning balance below. Even where 'less than substantial' harm is identified, as here, Section 66(1) requires considerable importance and weight to be given to the desirability of preserving the setting of a listed building when carrying out the balancing exercise. The proposal does not accord with the aims and objectives of LP Policy ENV2.

Need

42. It is common ground that it is not for the inspector on a S78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure, as an inspector is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done. In this respect I have noted that there has been some difference between inspectors in relation to need and five year supply, but it seems to me this is inevitable given the above situation and likelihood of some difference in the evidence being presented at different times.
43. The council confirmed in its evidence that it agrees with the appellant that in principle, in accordance with paragraph 49 of the Framework, the lack of up to date housing policies means that paragraph 14 is a consideration in terms of the presumption in favour of sustainable development.
44. The Local Plan inspector identified in early December that he thought the proposed plan was unsound, giving a brief indication of his reasoning. This was followed up with a reasonably detailed assessment of how he perceived the current situation (19 December 2014), and gave an indication of housing figures. I acknowledge that this cannot be taken as a final figure, it could go up (as indicated at a recent council meeting), and it is possible that it could go down. I accept that it is also not explained whether a full 'objectively assessed need' figure had first been identified, followed by the reduced figure, to take into account difficulties of providing the 'objectively assessed need', such as

the constraint identified in providing affordable housing through the provision of market housing.

45. However, while accepting that the figure from the LP Plan inspector cannot be fully relied upon as being an OAN and may well change with any new evidence, given the detail of the assessment made following the hearing, many representations and consideration of substantial evidence, much of it the same as presented to this inquiry, I consider that it has substantial weight and is reasonable and best available information to be used as a starting point for an OAN assessment. However, I also have to take into consideration the further information provided to this inquiry. The local plan inspector indicated that the number of dwellings per annum that had been proposed be increased by about 10% from 523 to 580. It is agreed that there has been an averaging of the 'demographic' assessment using the time scale up to 2037, which is beyond the plan period. If this is averaged for the actual period a revision is required to the inspector's figure (including the 10% uplift).
46. An argument from the appellant is that the objectively assessed need does not fully identify affordable housing need. The inspector did look at this and found that the best estimate was from the 2012 strategic housing market assessment, which identified a need for 54% affordable housing. The appellant also refers to the Strategic Housing Market Assessment 2012, noting that, while out of date, it is the most recent evidence that there is in relation to affordable housing. The appellant concludes that there would be an affordable housing need of between 236 and 282 dwellings per annum between 2011 and 2031. At 30% delivery (average between 20% and 40%) this would be an objectively assessed need of 787 to 939. Clearly the actual fully objectively identified need will be much greater than identified by the Local Plan inspector.
47. However, I consider, given the evidence presented, that the LP Inspector would have been aware of the figures identified by the appellant, but rather than reaching a full objectively assessed need figure using this, it does seem that the inspector went straight to a discounted number because of the difficulty of providing the large proportion of market housing necessary to meet the affordable housing need. So, I accept in terms of the identification of the 'objectively assessed need' that the figure identified by the LP inspector could be misleading. Nevertheless, I consider that the overall assessment was not unreasonable in determining the housing requirement, when account is taken of other important factors such as the ability to provide the necessary number of market houses just to meet affordable housing need.
48. Another criticism levelled at the objectively assessed need currently identified is that it does not properly take into account the necessary migration from London to the outlying councils, to be decided as part of the process of the duty to cooperate. It is clear from the Local Plan inspector's report that this matter was raised before him and was a factor for consideration. At the time the LP inspector reached his conclusions the overall figures for migration were identified as being potentially between 9,000 and 20,000. The likely figure for outward migration has been substantially reduced since then to about 6,600. The Local Plan inspector concluded that the matter, even with the higher figures, could not bear much weight in assessing an objectively assessed need. There still is no indication as to how the number identified would be distributed between the surrounding authorities and I also attach little weight to it, and at this stage would not look to, or be able to, make specific adjustments for it.

49. The appellant also considers that there will, in relation to the duty to cooperate, be a need for Uttlesford to consider addressing some of the unmet need of adjoining authorities. One of the authorities identified is Braintree, which potentially could have a significant need to share 'supply'. However, the level of housing need or way that it may or may not be 'shared' has not yet been finalised and without the projected shortfall in Braintree of about - 483 there could well not be a need to take on houses supply requirements from the surrounding areas of East Hertfordshire, Braintree, Harlow and South Cambridgeshire, particularly as some of those identified appear to have a surplus supply. There can be no reasonable expectation that this authority would have to take extra houses. In my view, there is currently no justification to adjust the objectively assessed need in relation to this.
50. It is common ground that the figure identified by the Local Plan inspector did not identify C2 accommodation (residential institutions) as a specific category and that the supply figures that make up the anticipated 5 year housing supply do include these. Clearly some people going into such accommodation will be going from a dwelling, which would become vacant, but also some going into a home may be leaving a partner in a dwelling, and it would not make a dwelling available. There is little evidence to suggest what might reasonably be anticipated. Even acknowledging this, I do not accept that all the C2 housing supply should be discounted, but I would anticipate that any adjustment/correction if necessary would essentially be likely to involve a downward adjustment to supply. However, I also note that this matter would have been before the Local Plan inspector and he did not identify that a specific adjustment for this was necessary.
51. The argument that some deduction should be made to supply figures because of the windfall allowance was removed by the appellant. On this matter the LP inspector found the 50 dwellings per annum to be well evidenced and consistent with the Framework. I also consider in this respect the allowance is likely to be an under-estimate given the exclusions that have been built-in such as in relation to appeal approvals for instance.
52. The Framework requires, in order to ensure choice and competition in the market for land, that there is a 5% buffer. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%. The framework notes that the aim of this is to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
53. There is no guidance on how this should be considered in terms of what is a persistent undersupply or the period over which it is to be considered. The LP inspector looked at this, as have a number of other inspectors at recent appeals and generally it has not been found that the 20% figure is justified although I accept that in a recent appeal it was found to be justified.
54. There is no guidance on how far back one should go to look at the supply achieved. The council fairly points out that the appropriate benchmark is the annual figure contained in the RSS (2008), as before that there were global figures and it was for the council to choose their own trajectory. If you look back at the recent past, while there has been some under-delivery, I would agree with the Local Plan inspector that on the basis of the RSS the delivery has not fallen significantly below appropriate targets for the years in question.

Additionally, in the LP Process it was identified by the LP inspector that the controllers of some sites took a more optimistic view of the potential delivery than the identified trajectory did. I consider that it is reasonable to anticipate that there is a realistic prospect of achieving the planned supply, ensuring there is choice and competition in the market for land. A 5% buffer is reasonable and accords with the aims and objective of the Framework.

55. A summary of the appellant's position is set out in Table NP11, although this needs to be considered in the light of other evidence that emerged at the inquiry. In relation to this, the adjustment for windfall housing would need to be dropped and I do not accept that there is currently sufficient evidence to suggest what ratio of C2 units would result in dwellings being vacated.
56. In summary, I think that a fully objectively assessed need, including that of affordable housing, is going to be around the 800 mark. However, when considering the requirement, I would follow the approach of the Local Plan inspector and use his figure of 580 as the starting position for my consideration. However, this should be adjusted by about 22 to allow for the demographic averaging over the actual plan period. This would give a figure of about 602, which when the backlog is included gives about 673 and with a 5% addition would give an annual requirement of about 706. Taking the council's identified supply of 3592 would give a 5 year supply of about 5.1 years. If this were to be adjusted for the C2 housing as identified by the appellant, the supply could reduce and the 5 year supply to perhaps nearer to 4 years. However, I do not have convincing evidence to show what, if any, adjustment would be reasonable and again I note that the LP inspector did not adjust for this. I also note the expectation that supply might come forward faster than anticipated. Overall, I agree that at this stage an adjustment to supply is not warranted.
57. In this respect I have also taken into consideration the latest household projections, but as noted by the parties in the post inquiry representations the detail, such as the Edge Phase 7 report has not been received, so it is early days in which to make any firm predictions. The household projections suggest slightly reduced figures from those used by the council, but at present I conclude a downward adjustment is not justified for this reason.
58. I accept the five year supply is close to the target and if it is necessary to make some adjustment for C2 in the Local Plan process when more detailed and accurate information is available, there may still be a small shortfall in the five year supply and I bear that in mind in looking at the planning balance.

Other Matters

59. The appellant has identified other sites that have been granted planning permission for development to the north and east of Thaxted, also on green field sites. These involved agricultural land that formed part of the setting of the town and had views from footpaths towards the site and the town with the church behind, similar to the appeal site. In those cases the setting of the church as a heritage asset was not at issue and nor was it in the officer's committee report for this appeal site. In those cases, the development of the agricultural land and relationship to the church and other issues raised at this appeal site, did not prevent planning permission from being granted.

60. It is not for me to reason why the council did not identify the setting of the church as being an issue in those instances, as I would have identified that land as forming part of the setting of the church, given the dominant visual relationship of the church to the surrounding land. I also do not have sufficient information to understand, whether there was consideration of this or if a balance made by the council in relation to the impact of those developments, against any harm it identified, and found them reasonable in those circumstances.
61. However, whether or not it was considered for those developments, in this case, it is clear that the appeal site is within the setting of the church. Therefore, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act is relevant. The impact has to be considered in this case, whether or not it was correctly or incorrectly applied in other cases has little effect on the weight to be attached to the relevant impacts.
62. I would also say that in terms of the impact and any balance to be applied to harm of this proposal against those other schemes, there is for me a substantial difference between this and those other sites. They are generally on relatively flat or gently sloping land, so when viewed from the footpaths and roads around them, effectively the main view is of the dwellings at the edge of the sites; the depth and extent of houses are not a significant part of the views. In contrast, the appeal site is on a substantial slope, so when viewing the site from the nearby road and many footpaths to the north and west, the depth of housing would be clearly visible down the slope of the hill, causing many of the dwellings to have an impact on the view of the town and church and causing a considerably greater impact here than at those other sites. This, for me, is what essentially distinguishes this site from the others identified and causes the substantial harmful impact at the appeal site.
63. There is a planning obligation in place that would require the provision of a large area of open space, mainly located to the north of the appeal site and for a local equipped area for play. It would also ensure a good provision of affordable housing at a rate of 40% and make contributions to mitigate its impact in relation to healthcare and education provision. I have considered the benefits of the affordable housing provision elsewhere. I accept that the open space would be a benefit in providing an additional area for people to walk, but much of it would be very linear and, in my opinion, it would do little to make up for the harm of the loss of countryside adjacent to the north footpath.

Sustainable Development

64. There is no disagreement that Thaxted is a thriving community and I consider that it would be reinforced by the new housing development recently completed and under construction. Additional housing would contribute further, socially and economically to Thaxted, making it an even more thriving community and increasing custom for the existing businesses in the town. I attach great weight to this in line with the appellant's evidence.
65. I accept that the employment opportunities in Thaxted are not significant, with very few sizable businesses. Many of those that are here are home operations or small scale, with no real aim to expand in Thaxted. I also note that other large businesses have relocated from Thaxted to nearby towns because of difficulties operating in Thaxted. However, I find the interested parties' argument a little odd, in that they were putting forward the lack of employment

opportunities, while at the same time promoting the old employment sites as alternative locations for redevelopment for housing. I would have thought that if employment land was in such short supply the council would want to retain it for its obviously needed current use.

66. I consider that there would be a need for many of the occupiers to use cars to get to work locations around Thaxted. I also accept that while there are some shops in Thaxted, these are of a moderate size and it is also likely that residents will go to the surrounding towns for main shopping.
67. I acknowledge that the school and doctors' surgery in Thaxted are at capacity and there is a need for extensions, and there would be increased pressure if the proposed development were to be completed. I also take into consideration the capacity of the secondary schools in the surrounding area. The relevant authorities are clearly aware of the need, although I acknowledge there has been some change to this need as outlined by the school governor, retired headmistress and recently retired doctor.
68. With a shortfall in mind the authorities have requested an agreement to cover contributions to meet the need generated by the proposal. It is then for them to take appropriate steps to provide the facilities in a timely manner. I accept that this may take some time, but then so would the construction of the proposed development. I do not attach weight against the proposal in relation to this.
69. I am aware of the difficulties that have and are being experienced in relation to drainage in Thaxted. However, it is also clear that the Parish Council and others are in close contact with the relevant authorities in relation to this and that they will be fully aware of the situation. There has been no formal objection to the proposed development by the relevant authority, which has requested an appropriate contribution towards the drainage associated with the development. The evidence that has been presented does not lead me to conclude that a satisfactory drainage system cannot be provided for the new development.
70. I conclude in terms of proximity to facilities that the appeal site is reasonably located and in this respect it is a satisfactorily accessible location as is the case for the other new houses recently permitted.

Planning Balance

71. I acknowledge that the site would, in terms of location in relation to facilities be reasonably accessible even though I have found that there would not be the 'need' in terms of meeting a five year housing supply requirement. However, there would still be a substantial benefit in the provision of the market housing and particularly additional affordable housing, which is in very short supply, and unlikely to be met through provision of market housing in the district as a whole. I also accept that the proposal would play an important social role for the town and would be economically beneficial and there would be some benefit in the provision of open space. However, I have identified substantial harm to the character and appearance of the surrounding area, and 'less than substantial', but nevertheless significant harm to the significance of the church. In my view, the benefits of the proposal would not outweigh the harm, and public benefits do not outweigh the 'less than substantial' harm to the heritage assets.

72. Sustainable development is made up from the social, economic and environmental aspects of development. In this case, on balance, while noting the social and economic benefits, the environmental harm clearly sways the balance and in my view this is not sustainable development in terms of the Framework and would not benefit from the provisions of paragraph 14. I conclude overall that the proposal would be unacceptable and conflict with the development plan and the aims and objectives of the Framework.
73. I think that it is also right that I consider the proposal in terms of the housing need and five year supply as identified by the appellant, given the closeness of the five year supply to the requirement that I have identified and the fact that there are still a considerable number of variables that could influence and perhaps cause upward movement of need or down rating of supply.
74. Even if the five year supply was at the pessimistic end of the appellant's calculations, around 3.1%, and attaching substantial weight to the level of need for affordable and market housing and other suggested benefits, I consider that because of the extent of the harm, particularly to the character and appearance of the area and the significance of the church through harm to its setting, balancing social, economic and environmental roles, the proposal would still not be sustainable development in terms of the Framework. Therefore, the presumption in favour of sustainable development in paragraph 14 of the Framework would still not apply. Overall, even with that level of need, because of the environmental harm identified the benefits from the schemes for up to 120 dwellings or up 100 dwellings would not outweigh the harm.

Graham Dudley

Inspector

APPEARANCES

FOR THE APPELLANT:

| | |
|-------------------------|---------------------------------------------------|
| Miss C Colquhoun | Of Counsel |
| She called | |
| Mr K Nye BA (Hons) | FPCR Environment and Design Ltd |
| BArch (Hons) Dip LA | |
| CMLI | |
| Mr D Hartley BSc (Hons) | Rural Solutions |
| MA Dip TRP MRTPI | |
| Dr C Miele MRTPI IHBC | Montagu Evans |
| FRHS FSA | |
| Mr M Spry BSc (Hons) | Senior Director, Nathaniel Lichfield and Partners |
| Dip TP MRTPI MIEC | |
| Ms N Parsons BA (Hons) | Pegasus Group |
| DipUP MRTPI | |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|-----------------------|-----------------------------------------------|
| Mr J Cannon | Of Counsel |
| He called | |
| Mr C Downs BA MPhil | Principal Landscape Architect, Essex County |
| Chartered Landscape | Council |
| Architect | |
| Mr A Gascoyne BA MIA | Historic and Built Environment Manager, Essex |
| IHBC | County Council |
| Ms A Hutchinson BA TP | Partner, Hutchinsons Planning and Development |
| MRTPI | Consultants |

FOR Thaxted Parish Council and Hands Off Thaxted

| | |
|-----------------------|-------------------------------------|
| Ms L Foster | |
| She called | |
| Mr M Robson BA (Hons) | Director of Cerda Planning Limited |
| TP Dip TP MRTPI | |
| Mr R Till BA Hist, MA | Educational Professional |
| urban development, | |
| Cert Ed FRSA | |
| Kim Cowell | Resident and company owner |
| Mr M Tayler MA MSc MB | Retired General Practitioner |
| B Chir MRCGP | |
| Petrina Mawer BA | Retired Headmistress |
| (Hons) PGCE | |
| Victoria Knight | Vice Chairman of the Parish Council |

INTERESTED PARTIES:

ClIr M Foley
Mr R Knight

Mr D MacPherson
Mr T Wilson
Mr W Brazier
Mr Culkin
Mr Bryant
Mr Spellman

DOCUMENTS

| | | |
|----------|----|-------------------------------------------------------------------------------|
| Document | 1 | Council's appearances |
| | 2 | Ms Hutchinson's Rebuttal |
| | 3 | Ms Hutchinson's Rebuttal Appendices |
| | 4 | Statement of Common Ground |
| | 5 | Appellant's opening submissions |
| | 6 | Council's opening submissions |
| | 7 | Rule 6 opening submissions |
| | 8 | Cllr Foley's statement |
| | 9 | Revised list of core documents |
| | 10 | Mr R Knight's statement |
| | 11 | Landscape effects Table A and Table B |
| | 12 | Mr D MacPherson's statement |
| | 13 | Heritage statement of common ground |
| | 14 | Revised list of core documents |
| | 15 | Mr A Gascoyne proof with minor corrections |
| | 16 | Amended Table 3 – cumulative delivery targets |
| | 17 | Essex Replacement Structure Plan - extracts |
| | 18 | Appeal Decision ref APP/C1570/A/14/2224446 |
| | 19 | Appeal Decision ref APP/C1570/A/14/2226179 |
| | 20 | Essex County Council letter dated 2 December 2014 |
| | 21 | NHS England letter dated 10 December 2014 |
| | 22 | Letter from Cllr Foley dated 10 November 2014 |
| | 23 | Email from R Farrow dated 22 December 2014 |
| | 24 | Mr T Wilson's statement |
| | 25 | Photographs |
| | 26 | Photographs |
| | 27 | Planning permission for Little Maypole |
| | 28 | Town map with development identified |
| | 29 | Figure 15 – additional viewpoints – visual effects table amended |
| | 30 | Mr Spry's amended Objective Assessment of Housing Need and Market Signals |
| | 31 | Gladman Developments Ltd representations on Local Plan11.1a |
| | 32 | Core Document 11.1b |
| | 33 | Core Document 11.1c |
| | 34 | Core Document 11.1d |
| | 35 | Core Document 11.1e |
| | 36 | Core Document 11.2d |
| | 37 | Section 106 |
| | 38 | Map for night walk |
| | 39 | Highway cross section from Rule 6 |
| | 40 | Analysis of Thaxted employment market |
| | 41 | English Heritage Letter dated 13 January 2015 |
| | 42 | Development Control Committee Minutes dated 22 September 2010 and photographs |

- 43 Table 3 Cumulative delivery against annual requirements – Council’s table derived from EX149
- 44 Mr W Brazier’s statement
- 45 Uttlesford District Council Planning Application Checklist
- 46 Office of National Statistic map
- 47 Extract Potential Capacity, Discharge Consent and Sewer Network Issues
- 48 A1 plan of road access layout
- 49 Plan for site visit
- 50 Thaxted Society - Mr Culkin
- 51 Draft list of conditions
- 52 Email from A Taylor dated 23 January 2015
- 53 Council’s closing submissions
- 54 Rule 6 closing submissions
- 55 Appellant’s closing submissions

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