



Appeal Decision

Inquiry Opened on 21 May 2019

Site visit made on 29 May 2019

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 8th August 2019

Appeal Ref: APP/C1570/W/18/3213251

agricultural land west of Great Canfield Road, Takeley, Uttlesford, Essex

- 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 Gladman Developments Ltd and Takeley Farming LLP against the decision of Uttlesford District Council.
 - The application Ref UTT/18/0318/OP, dated 31 January 2018, was refused by notice dated 27 September 2018.
 - The development proposed is up to 135 residential dwellings with public open space, landscaping and sustainable drainage systems (SuDS) and vehicular access point from Great Canfield Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters other than access reserved for subsequent determination.
3. The Inquiry sat for 5 days and I was able to carry out a number of unaccompanied visits to the surrounding area and a final, accompanied site visit, which included Great Canfield Park and its immediate surroundings as well as the garden of a property in Takeley Park, a residential park home site.
4. The Great Canfield and Takeley Parish Councils (the PCs), were represented at the Inquiry¹. In addition, I received statements and evidence at the Inquiry from a representative of the Takeley Park Residents Association, the Friends of Flitch Way, local Councillors and local residents.
5. A Statement of Common Ground (SoCG), signed and dated 18/19 May 2019, was submitted as agreed between the Great Canfield Parish Council, the Council and the appellant. An additional Highways SoCG was submitted, signed and dated 20/21 May 2019, between the appellant and Essex County Council.

¹ Under the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI 2000/1625) under Rule 6(6)

6. In light of the publication, on the 23 June 2019, of revised sections of the Planning Practice Guidance, the main parties were given the opportunity to comment on any relevance for this case.
7. A completed unilateral undertaking for the scheme, pursuant to section 106 of the Town and Country Planning Act 1990, was submitted shortly after the close of the Inquiry. This dealt with matters relating to affordable housing, Healthcare, Early Years and Educational contributions, a mitigation payment for impact on Hatfield Forest, highway and footpath contributions and open space provision. On the basis of previous drafts of this undertaking, the Council confirmed that they were not pursuing their second reason for refusal.
8. I have taken note of the statement of compliance with the Community Infrastructure Levy Regulations 2010, as amended (CIL Regulations), which was submitted at the Inquiry². On the basis of the contents of the undertaking and the compliance statement, I am content that all matters conform to the CIL Regulations and that the obligations can be taken into account in my determination of the appeal.

Main Issues

9. I consider that there are four main issues in this case:
 - The effect on the character and appearance of the area;
 - The effect on the significance of nearby heritage assets;
 - The effect on highway safety, accessibility and the road network; and
 - In light of the agreed 5-year housing land supply position, whether the presumption in favour of sustainable development applies, and if so whether there is any harm that would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Background and Policy Position

10. The appeal site lies to the south of the village of Takeley, outside of the identified settlement limits, and is separated from the village by an area of undeveloped land and the Flitch Way, a former railway line but now a well-used and highly valued country park, bridleway and Sustrans route. The site is currently an open agricultural field with a mixture of tree and hedge boundaries with Great Canfield Road to one side and Takeley Park, an established Park Home site, to the other. Open countryside and the residential development associated with Great Canfield Park, a Grade II listed building, lies beyond.
11. The proposal comprises outline application for up to 135 dwellings to include affordable homes, compliant with policy at 40%. Access would be from Great Canfield Road, which would be altered to provide some widening and inclusion of a pavement to link to the B1256 Dunmow Road. The site itself is proposed to include approximately 48% of the area as open space and landscaping.
12. The development plan for the area includes the Uttlesford Local Plan (the LP). Although adopted in 2005 and due to run to 2011, the agreed policies relevant

² Document 3

for determination have been saved. The Council's position at the Inquiry focussed on their first reason for refusal related to the landscape harm, coalescence of settlements and loss of openness, and referred to Policies S7, S8 and ENV3. The PCs' position expanded on this and added concerns regarding the setting of the nearby listed buildings and the site's accessibility and impact on highway safety and capacity, referring to Policies ENV2 and GEN1. It was common ground between the parties that there would be less than substantial harm, as set out in the National Planning Policy Framework (the Framework), to the the setting of the listed buildings.

13. A new emerging Uttlesford Local Plan (the eLP) is at an advanced stage of preparation and examination hearings are imminent; I deal with the weight that can be ascribed to its policies and strategy later. Nonetheless, the Council accept at this time that they cannot demonstrate a 5-year housing land supply (5YHLS). This has clear implications for this appeal in that it triggers the application of national Framework policies, in particular paragraph 11. As a consequence, my approach will be to consider the effect of the proposal against the development plan, in accordance with statutory requirements³, and if conflict is identified, and all parties accept some measure of conflict, then address whether material considerations, including national policy, would indicate that a decision be made otherwise than in accordance with the development plan.
14. As all parties accept some effect on the setting of the nearby listed buildings, this shall follow the two-stage approach set out in Framework paragraph 11d, considering the balance of harm and benefits in relation to the heritage assets, and, only if found acceptable, then considering the tilted balance set out in 11d part ii.

Character and Appearance

15. As with any development of a greenfield site, there are accepted to be direct and material changes to the character and the appearance of the site itself; it is also necessary to consider the implications of the development of this land beyond this immediate context.
16. As such I will assess the landscape effects as they relate to the character of the area, including the setting of Takeley and the neighbouring settlement of Great Canfield parish, notably the closest hamlet, Hope End, as well as the visual effects as perceived by those using Great Canfield Road, the Flitch Way, Smith's Green and surrounding residential areas.
17. A Landscape and Visual Assessment (LVA) was submitted by the appellant and reviewed in evidence to the Inquiry. This led to the appellants' conclusions that the site is well defined and contained, located adjacent to the settlement and, in providing broad and open buffers in the form of landscaping and the two proposed 'greens', would respect the character of the settlement edge.
18. The site lies within the County Landscape Character Area (LCA) B1, Central Essex Farmlands, and the District LCA B10, Broxted Farmland Plateau. Characterised as representing gently undulating arable farmland, the site reflects this, but is not as exposed as some areas, with some level of containment provided by its mature boundaries. In landscape terms the

³ Under s38(6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990

Council and appellant agree that it is of moderate sensitivity, with which I agree, although a simplistic assessment suggesting that it lies on the edge of the settlement and does not extend beyond the build form of Takeley Park, belies its importance in the setting and separation of settlements here.

19. The surrounding area is relatively flat and there are few long-distance views of the site; I am content that it is relatively contained. Nonetheless, to my mind the appellants' argument that the site is influenced by the settlement, Takeley, and the settlement edge uses is somewhat overstated. This is a rural site with little settlement influence and characteristic of the LCA B10, and while I accept it is not a valued landscape, as set out in the Framework, it still has landscape value and a role in the setting of the villages of Takeley and Great Canfield/Hope End.
20. On approach to the turning from Dunmow Road into Great Canfield Road, the character to either side is urban, that character changes close to the junction itself. Takeley is a village, but one that has grown substantially in recent years. The large new estates of Priors Green around Little Canfield to the east sit either side of the road, with the older settlement centre to the west set around the crossroads of the Dunmow Road and the B183, the 'Four Ashes' junction, and includes commercial and residential development adjacent to the road and extending north towards Stansted airport.
21. However, there is a clear separation between these two urban areas formed by Smith's Green, an open area of land either side of a road heading north from the village. Smith's Green opens to countryside to the north and, through the undeveloped land south of Dunmow Road, through to the appeal site and open countryside to the south. Smith's Green and this area of land to the south of the road lie within the defined Countryside Protection Zone, CPZ, where control of development is addressed through LP Policy S8, with such policy protection intended to be included in the eLP under Policy SP10. The appeal site lies adjacent to, but outside of the CPZ.
22. Consequently, there is a marked change as one approaches Smith's Green from either side along Dunmow Road as the urban gives way to a semi-rural character, dominated by open space and mature vegetation. On approach to the Great Canfield Road junction there are some more urban influences but turning into the road presents an immediate change. The bridge over the Flitch Way is visible, but to either side mature hedgerows and glimpses to open countryside establish, despite some signage, a strong rural character until you reach Great Canfield Park and the hamlet of Hope End; which is clearly a rural village and distinct from the more urban character of the settlements either side of Smith's Green.
23. In this context, the appeal site does not reflect an edge of settlement character, it is divorced from the urban areas and represents a countryside extension of the CPZ. It differs from many other edge of settlement sites in that there is little awareness of the urban centre from within the site or the approach to it. It is an important component in retaining separation of those urban centres to the north as well as between Takeley, with its increasingly urban characteristics, and the small rural settlements making up Great Canfield to the south.
24. In part this is due to a further defining feature, the Flitch Way, which lies immediately to the north of the site. The Flitch Way is clearly an important

public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site and its informal surfacing, well-treed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge.

25. I accept it is not an open countryside feature along its entire length, and in places there is development close to the northern edge, but it is an important refuge from the growing urban centres and provides easily accessible countryside experiences and access to important features such as Hatfield Forest.
26. It is necessary, when considering the context of the Flitch Way, to address Takeley Park and the approach along Station Road, and the appellant has drawn my attention to it and the sports ground as evidence of urban influences extending across the Flitch Way. The character of Station Road leaving Takeley and heading south is different to that of Great Canfield Road. Heading towards the Flitch Way there are clear urban influences with residential properties and the former station clearly evidenced and a close relationship to the central crossroads, pub and shops. However, after crossing the bridge, the character is much more transitional with long views towards open countryside, but with the sports ground and then the Park home site to one side.
27. The sports ground is a characteristic edge of settlement development, and while the frontage to Station Road is rather dominated by the unsympathetic steel fencing, open and long-range views are available with the large trees to the side and beyond the site clearly visible. Other than when events are taking place, it is likely to be also a relatively tranquil use, with limited activity. The Takeley Park site is clearly a well-run and well-established Park home site comprising low-level housing in small plots with extensive areas of managed woodland and grassland in between. This includes a well-treed boundary to the road, which screens much of the development, and, in association with the expansive countryside views to the other side of the road, establishes the transitional character here. The history of the transfer of these homes from three sites nearer to the airport was set out and I note that ongoing policy⁴ strictly controls the use of the site for the long term, restricting conventional residential development on the site.
28. Immediately beyond the Park site is a small playing field, but with long distance views opening up to either side, the countryside character is robustly established and accords with the LCA. To my mind, Station Road is not a model for how Great Canfield Road would become were the development to go ahead. Whereas Station Road has a strong urban character up to Flitch Way, it becomes rapidly transitional and opens to countryside beyond, whereas the influence of the proposed development on Great Canfield Road would be to extend the urban character through to Hope End, leading to a clear coalescence of the settlements there.
29. The Flitch Way, despite its man-made origins, now defines a clear and defensible boundary to the settlements of Takeley and Priors Green. While that

⁴ LP Takeley Local Policy 4

boundary was breached by Takeley Park, that permission recognised it was outside of the identified settlement and the development plan provides clear controls over future development. Restricted to single-storey development, Takeley Park does not provide justification for conventional residential development, and I note the findings of the Secretary of State at the time when granting permission, who '*considered that the site was outside the clear and well-defined limits of the built-up part of the village and that 'the granting of planning permission indicates no general weakening of support for the established policies for the control of development in this part of Essex'*⁵.

30. Turning to the neighbouring settlements of Great Canfield. The Village Design Statement (VDS) was adopted as planning guidance by Uttlesford in 2009. This clearly addresses Great Canfield as a village entity, albeit made up of a number of small hamlets, or 'Ends', separated by farmland, of which Hope End is the largest. The Settlement Guidelines set out therein seek to retain the rural character of the Ends and the village overall, identifying the need to ensure land between Great Canfield and neighbouring settlements should remain undeveloped and that particular effort should be made to protect the rural setting of Hope End. The Flitch Way forms the northern boundary of the Parish of Great Canfield and the appeal site lies entirely within that parish and, as set out above, I consider that the appeal scheme would lead directly to the extension of the urban character of Takeley through to Hope End. This would be materially harmful to the character of the area.
31. Turning to visual effects, I note the absence of long-range views, nonetheless, there are a number of key viewpoints in which the proposed development would have a material effect. Great Canfield Road, currently a rural lane, although not a protected lane until further along its course, provides open countryside views to both sides on approach to Hope End, emphasising the clear visual separation between Takeley and Great Canfield. It is accessed by walkers seeking to join the Flitch Way via the bridleway link, and while many will not progress along the road, views of the development would be experienced from the road, the bridleway and subsequently from the Flitch Way.
32. I accept the Flitch Way is in a cutting at this point, limiting immediate views, albeit housing will be viewed through gaps in the trees. Furthermore, I consider that the additional movements of cars, noise and activity will all be discernible and from the western part of the footpath, where the highest density of housing is proposed, increasingly prominent views of houses would be apparent.
33. Although screened by summer foliage at the time of the Inquiry, a number of parties referred to views from Smith's Green across the undeveloped land and into the appeal site. My own assessment is that these views, while not prominent, would nonetheless clearly show the presence of houses at this point, and while filtered from the Dunmow Road, the views would be increasingly apparent from further along Smith's Green.
34. Consequently, while the site is not prominent in long-range views generally, it is visible and the change from a rural, agricultural use to housing would be particularly evident from some important public viewpoints and would establish housing within this countryside setting, outside the defined and naturalised

⁵ Accompanying text to Takeley Local Policy 4 in the Uttlesford LP.

village extent and within an area of countryside that contributes to the separation of villages here.

35. The Council have highlighted impacts on trees as a particular issue, referring to Policy ENV3 and principally to the loss along Great Canfield Road. While some trees and hedgerows will be lost here, I note the proposal seeks to retain much of the natural vegetation along this route. However, some would be lost to visibility splays and, in particular, the introduction of the access would open views into the estate and to the more urban character associated. However, this is a matter in relation to Policy S7 and already addressed. While I note that Policy ENV3 also refers to the loss of open spaces, accompanying text indicates that these are those within existing towns and villages, and no case was taken particularly by the Council on this part of the policy. Consequently, with no substantive, long term loss of groups of trees or individual specimens, I find no direct conflict with LP Policy ENV3 in this regard.
36. In relation to Policy S8, while I have found a visual as well as an open and rural character link between Smith's Green and the appeal site, and have noted that this provides an important element in the separation of the developing urban centres of Takeley and Priors Green, the appeal site lies outside of the identified CPZ. Policy S8 specifically applies to development within the CPZ and I can see no strong argument that it extends to its setting, and to areas addressed by Policy S7, and have not considered compliance with Policy S8 further in my assessment of this scheme.
37. Nonetheless, it is clear that there are considerable constraints placed on development of this site in order to respond to its position outside and removed from the settlement, its association with the CPZ and its location beyond the now naturalised boundary feature of the Flitch Way. Furthermore, it needs to respond to the close relationship with the village of Great Canfield and particularly the rural hamlet of Hope End. This has been acknowledged in the extent to which the masterplan approach has suggested the need for such a high percentage of the site to be open space and the attempt to vary density across the site to limit the urban presence of the development on a site, which while not prominent in long range views, is nonetheless a highly sensitive one in terms of the experience of those using the surrounding footpath and road network and in terms of the coalescence of settlements here.
38. Despite the extent of proposed open space, and for the reasons I have set out above, I consider that this proposal would still result in substantial harm to the character and to the visual appearance of the area. It would materially extend the village of Takeley towards Hope End and Great Canfield and would provide a visual link between the urban settlements currently separated by Smith's Green. It would alter the rural character significantly for those experiencing the Flitch Way along this stretch, which provides such an important outlet for those using it. This is reinforced by the Council, PCs and local residents' concerns regarding precedent. Whilst each application and appeal must be treated on its individual merits, in light of the proposed scheme immediately to the east of the site for 80 dwellings, and other schemes referred to south of the Flitch Way, I can appreciate the concerns that approval of this proposal could be used in support of other similar schemes. I consider that this is a not a generalised fear of precedent, but a realistic and specific concern. Allowing the appeal would make it more difficult to resist further planning applications for

similar developments, and I consider that the cumulative effect of such development would exacerbate the harm which I have described above.

39. This proposal would therefore conflict with LP Policy S7. This policy seeks to protect the countryside outside of settlements and the Green Belt for its own sake, with strict control on new building or development, which will only be permitted where its appearance protects or enhances the particular character of that part of the countryside within which it is set.

Heritage Assets

40. The appeal site is located adjacent to the boundary of Great Canfield Park, a Grade II listed building, and close to further Grade II listed buildings, the Byre and the Granary/Dovecote, now in private residential ownership but formerly part of Great Canfield Park. Notwithstanding the agreed position of the Council and appellant that there would be only limited, less than substantial harm to the significance of heritage assets, outweighed by the public benefits of the proposal, the PCs consider that the harm engendered to the setting of the listed buildings, and in particular to Great Canfield Park, would be more significant and while still less than substantial would weigh heavily against the proposal.
41. With regard to the Byre and the Granary/Dovecote, these are historic buildings associated with Great Canfield Park but set further away from the appeal site. Their association with Great Canfield Park is important and there is a shared group value with the past farming activity providing a legible reading of the historic development of the site, albeit their subsequent conversion into independent residential units will have affected this somewhat. Their setting derives from that association, with other outbuildings and individual curtilages providing a measure of screening, particularly from the north. Their significance draws on their historic fabric and role as part of the wider farmstead, but their location limits any harm that may be associated with development of the farmland to the north as part of this scheme, and I consider that there would be a negligible impact on their significance.
42. Great Canfield Park itself is an impressive detached property surrounded by a large plot divided into areas now associated with its residential and equestrian use. The list entry and assessment of historic map records would suggest that the house initially comprised a small 15th Century hunting lodge, presumably associated with wider parkland, with later extensions right through to the 20th Century, associated with its development as part of a farmstead and subsequently as a residential property. The appeal site can be identified as associated farmland and forms part of the setting of the listed building.
43. The house has changed over the centuries, but the original form of the hunting lodge can still be read in the exterior. However, very significant changes have been made to the immediate curtilage, beyond the separation of the Byre and the Granary/Dovecote. These include, among other elements, the introduction of a swimming pool, tennis court, stabling, paddocks and a manège. Nonetheless, the significance of the building includes its historic value as an early house and the legibility of its changing use, particularly its association with the other farm buildings and the surrounding farmland.
44. Historic maps indicate an extended period of association with the appeal site, although this has ended, and it is reported to have been sold in the late 1990s.

Consequently, while the significance of Great Canfield Park derives principally from its fabric and architectural interest, it also draws on its former uses and its agricultural association with other listed buildings. The agricultural association is reinforced by the legibility of the farmhouse with its farmland and there is indivisibility between the building and its immediate curtilage and the appeal site, albeit a substantial row of mature trees lies between.

45. However, the significant changes to the immediate curtilage has reduced the relationship with the appeal site to a certain extent and it represents only part of the surrounding farmland, other parts of which would be unaffected, and the association maintained. The appellant referred me to another recent appeal decision to the south of the site⁶ for 7 dwellings, where it was found that the scheme would have a negligible impact on the ability to appreciate the agricultural use of the land and a neutral effect on the setting of the listed buildings. It must be noted that this scheme is significantly smaller than that before me and the impact in this case cannot be considered to be negligible.
46. However, the level of harm to the significance of Great Canfield Park would be tempered by the lost association with the farming unit and the significant alterations to the immediate curtilage. Nonetheless, harm will arise due to the significant change from agriculture to housing on lands which the farmstead unit had relied on for a considerable period of its history. The legibility of that association is a function of visibility to a certain extent and I note the intention to locate an area of green infrastructure on the part of the site most directly associated with Great Canfield Park.
47. While there would be a measure of control through the reserved matters process on the nature of this area, it would, by necessity, provide a functional role for the housing estate and would be unlikely to provide a naturalised agricultural character, nor clearly provide the scale of land previously associated with the site. As a result, I consider that there would be limited harm to the significance of Great Canfield Park, which should be assessed as being less than substantial. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
48. My finding of harm indicates conflict with LP Policy ENV2, which states that proposals that adversely affect the setting of a listed building will not be permitted. This policy predates the Framework and is not consistent with the approach set out therein; I address the requisite planning balance later in my decision.

Highway Matters

49. The SoCG signed between the appellant and Essex County Council confirms that the highway authority considered that the proposed access and alterations to Great Canfield Road, the junction with Dunmow Road and improvements to the Four Ashes junction would not result in harm in relation to traffic growth or highway safety impacts.
50. Notwithstanding this, the PCs maintain that elements of the scheme design for the access and for Great Canfield Road, particularly associated with the Flitch

⁶ APP/C1570/W/18/3210211

Way bridge, would have highway safety implications and that the site is relatively inaccessible and would result in increased and detrimental traffic growth that would not be sufficiently addressed by proposed mitigation. Further concerns were raised by local residents with regard to horses using Great Canfield Road to access the Flitch Way via the bridleway in particular.

51. There are therefore three separate elements to be considered, highway safety, accessibility and whether there would be a severe impact on traffic capacity and congestion. The transport generation figures and speeds, as well as the need for a vehicle restraint system, which the appellant confirmed can be delivered while still maintaining the widths of road and footway, were agreed.
52. I have carefully considered the arguments put forward in relation to pedestrian safety associated with the width of the proposed new pavements, the overall width of the carriageway, in particular with regard to the possibility of two HGVs passing, and the possibility of pedestrians or cyclists within the carriageway and approaching the bridge.
53. Great Canfield Road at present has no footways. The proposal would provide an overall road width of 5.5m with a footway generally at 1.8m, although this narrows to a reported 1.58m on the southern side of the bridge. A number of guidance documents have been referred to, and while I accept that a standard for new residential areas would expect a footway width of 2.0m⁷, I can see nothing in the guidance that suggests that a width of 1.8m or even 1.58m is inherently unsafe. The Institute of Highways and Transportation (IHT) document⁸ seeks a minimum of 1.8m but accepts that narrower widths can be provided dependant on vehicle flow and speeds, which in this case are relatively low.
54. The Department of Transport's Inclusive Mobility guidance also promotes a clear width of 2.0m, but notes that this is to allow two wheelchairs to pass. Considerably narrower widths are considered acceptable for the majority of mobility impaired users and it states that 1.5m should be regarded as the minimum, which is achieved in this case, where provision would effectively be for the estate and not as a through route for other users.
55. In the presented traffic figures, there is an apparent increase over typical circumstances in the percentage of HGVs using the road, although overall usage is very low, and the total numbers of HGVs also low. Estimates, which were not challenged, suggest 3 in the morning peak period. Nonetheless, this does have some implications for the revised road design. The provision of a 5.5m width is indicated in Manual for Streets as allowing the passage of two HGVs, and I note that there would be no restriction in the forward view of such vehicles on approaching the bridge. In reality this would require them to pass at a slow speed and potentially with wing mirrors retracted. That this may occur when a pedestrian or pedestrians are using the footway is possible, but the likelihood is very low, the circumstance would be clear to all and suitable avoidance measures could and would be taken. This is not a circumstance that, to my mind, represents a realistic increased risk to users of the footway.
56. Concerns were raised with regard to the forward visibility over the bridge and the risk of a small child or person lying in the road not being seen. I accept

⁷ Manual for Streets – published by Department for Transport 2007

⁸ Providing Journeys on Foot - IHT

that there is some restriction in forward visibilities for car users caused by the gradient of the bridge. However, while existing users may walk within the carriageways, were the scheme to go ahead, a footway would be provided, offering a safer access over the bridge for all. There would be no reason or incentive for pedestrians to enter or cross the carriageway either side of the bridge. It is also apparent that the lack of forward visibility results in a slowing of the traffic at this point. Overall, I consider that such scenarios are again not likely to occur, and the scheme would provide an appropriate response in the provision of a footway.

57. I accept that Great Canfield Road provides a route for horse riders to access the Flitch Way, be that from Dunmow Road or from the wider Great Canfield village. At present there are no refuge areas and the national speed limit applies. The introduction of a footway and other signage controls and a 30-mph limit to extend through either to, or just short of Hope End, would provide some benefits to set against the increased use of this part of the road by vehicles from the proposed estate. The bridleway entrance is very close to the proposed access to the site and so conflict with horse-riders approaching from the south would be limited, and on balance, subject to the suitable imposition of conditions were the scheme to go ahead, I see no overall detriment to such users.
58. Finally, the PCs highlighted that, in their view, alterations to the junction with Dunmow Road would result in an effective narrowing of the carriageway width and the potential for increased conflict between vehicles exiting and those turning in to Great Canfield Road. The swept path diagrams do indicate this possibility. However, while I also accept that this may occur, it is, to my mind, a matter of convenience as HGVs will have to wait, or alternatively the vehicle approaching on Great Canfield Road would be delayed as the HGV turns in. The Dunmow Road has sufficient forward visibility and width for other vehicles to respond, and the risk of rear shunts is overplayed. This is a 30-mph zone with a roundabout only a short distance from the junction further restricting approach speeds.
59. Turning to accessibility, distances to relevant facilities are generally agreed other than in relation to the distance to the bus stops, and this is dependent on whether a desire line is taken or a route including a pedestrian crossing.
60. Again, a number of different guidance documents are referred to, but the reality of the uptake of alternative means of transportation, and particularly walking, is highly dependent on the nature of the route itself. In this case pedestrians leaving the site would be required to travel along the newly established footway to the junction with the Dunmow Road. This route would provide an acceptable footway and lighting but does present some restriction in terms of the slope up and over the bridge. From Dunmow Road, there is a relatively flat and well-lit route to the shops and pub and also to the Priors Green Centre, but the facilities in Takeley are not comprehensive, despite its identification as a Key Village in the development plan. There are bus connections, but some are only available at the Four Ashes junction, which on the route set out above is at a considerable distance.
61. An alternative route has been proposed, but not relied upon by the appellant. This is to make a new connection in the northwest corner of the site to the Flitch Way. This would improve the distance to the Four Ashes junction, but

the Flitch Way is not hard surfaced and is not lit. It would not be an attractive route at night and, in light of its value as a countrywide park and wildlife corridor, the installation of lighting and other changes would not be welcomed. I have therefore not considered this route as one permanently available to future residents of the proposed estate.

62. The appellant refers me to a WYG Paper⁹. This purports to assess how far people actually walk for various purposes. However, I have only an extract and on its face, it would appear to be unhelpful for an assessment of the kind required here. While it confirms that there is a range of guideline distances considered acceptable and that these are often not based on supporting evidence, this is a presentation of data based on an assessment of those who have walked, but does not appear to account for socio-economic factors, the relative levels of car ownership, the nature of the route taken or many other factors.
63. When considering the distances to facilities from this scheme, these all exceed the desirable distances and some are towards the top end, or even beyond, the preferred maximum, or guideline distances set out across the wider guidance. The Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, but this site is being promoted as an edge of settlement site. The simple fact is that the relevant distances represent somewhat of a barrier to the adoption of alternative travel options, but not such as to make the site unsustainable in transport terms. It nonetheless, adds further questions to the location of the site in relation to the settlement.
64. Finally, I turn to capacity and congestion. The overall number of vehicles projected to arise is not contested, but the PCs consider that the required mitigation through improvements to the Four Ashes junction would not realise the benefits expected. I am aware of the MOVA system proposed and have reviewed the suggested revised junction priorities. I am satisfied that these would result in improvements sufficient to ensure that the scheme would not result in severe residual cumulative impacts to the transport network.
65. Overall on these matters, very extensive road improvements and investment in existing junctions are required to address increased traffic and make accessing the site safe in terms of vehicles and pedestrians. I am satisfied that this can be done, albeit with very significant implications for the character and appearance of the area. The proposal therefore complies with LP Policy GEN1, which seeks development that does not compromise safety, encourages movement by means other than by car and is capable of accommodating traffic generated by the development on the surrounding road network.

Other Considerations – Benefits

66. In proposing up to 135 new dwellings of which 40% would be affordable, the proposal would clearly be meeting a need within a current context where a 5YHLS has not been demonstrated. Even allowing for the emergence of new housing land were the eLP to reach adoption in the short term, this still represents a boost to housing supply in accordance with the Framework and would represent significant weight in favour of the scheme.

⁹ How Far do People Walk? – Presented at the PTRC Transport Practitioners Meeting London 2015

67. Economic benefits would arise during construction and in terms of further spend within the local economy. However, such benefits are a common outcome of housing development, and some are short term. I give these moderate weight. The appellant argues that the provision of public open space and biodiversity improvements should be assigned significant weight. However, I consider that these are proposed to address specific constraints of the site or as mitigation, and while there is potential to enhance biodiversity accounting for the existing agricultural use of the site, this gains only limited weight in my view.
68. I have also considered whether lying outside of the CPZ conveys some weight in favour of the scheme. In general terms, the CPZ is a restrictive policy, in some ways like a Green Belt or Green Wedge policy. In those cases, no particular additional weight arises in favour of schemes outside of them, unless the pressure on land is so great that all such areas must be considered for delivery of development. In this case, the eLP has considered the appeal site and rejected it and has set out a strategy that is indicative of the Council's approach to resolving its housing needs. It is clear that this does not require compromising the CPZ, which is continued through in policy, and I have no evidence that alternative approaches would require such compromise. I therefore afford no additional weight to the scheme on this ground.

5YHLS Position and Planning Balance

69. I have set out that the proposal would conflict with the development plan policies which seek to protect heritage assets and control development that would harm the character and appearance of the countryside. However, it is accepted that the Council cannot demonstrate a 5YHLS. As such the harm I have identified to heritage assets and to the character and appearance of the area must be further considered against the requirements of the Framework as an important material consideration in this case.
70. I have found conflict with LP Policy ENV2, but also that this policy is not consistent with the Framework. Accordingly, this reduces the weight I can give to this policy considerably, and I have to address the requisite balance as set out in the Framework under Paragraph 11d) i. Designated heritage assets are identified under specific Framework policies that protect assets of particular importance. These policies seek that great weight be given to the asset's conservation, and that where less than substantial harm is identified, it should be weighed against the public benefits of the proposal.
71. While I have noted that the loss of associated farmlands within the setting of Great Canfield Park would lead to less than substantial harm, I have also identified that this harm is reduced by the extensive alterations to the immediate curtilage of the listed building coupled with the proposed East Green open space area and landscaping that could be secured. Taking the public benefits, which would include the housing and economic benefits in particular highlighted above, I consider that, with regard to the historic heritage harms, these would be outweighed in this case. However, the harm to the setting of the listed building overlaps with and reinforces other harm to the character and appearance of the area, which now falls to be weighed against the benefits of the proposal in accordance with paragraph 11d) ii of the Framework.
72. In this regard, I have found conflict with Policy S7. While the Framework continues to recognise the importance of the intrinsic value of the character

and beauty of the countryside, it offers a more flexible approach to development. In confirming that they cannot demonstrate a 5YHLS, the Council have accepted that development beyond the existing designated settlements boundaries is necessary and have identified that they have granted permissions for such development contrary to Policy S7.

73. Policy S7 is considered out-of-date by virtue of the Council's failure to demonstrate a 5YHLS, and the weight that can be given to it reduced by its partial lack of consistency with the Framework. A number of examples of previous decisions have been submitted in which the weight given to Policy S7 ranges from significant¹⁰ to limited¹¹. While no explanation is given for such discrepancy by the authors of those reports, it is a reality that decision makers must assess the evidence that is before them. It is my view that it is relative weight between harms, derived in part from the identified development plan conflict, and the benefits that must be considered in cases where the Framework is engaged.
74. The relative weights to be given to the adverse effects and the positive benefits are to some extent dependant on the housing need, the extent of the shortfall and its likely persistence, as well as the steps an authority may be making to address it. It is agreed that the 5YHLS currently stands at 3.29 years. This represents a significant shortfall. However, the evidence is indicative that the Council have made positive efforts to address housing need, with significant delivery above targets in the last few years. A proportion of this delivery has been on sites outside of settlement boundaries; to my mind it is clear that the Council, either positively, or through the appeal process, has had to acknowledge that the settlement boundaries need to be applied flexibly in the absence of a robust 5YHLS.
75. Furthermore, the Council are progressing an eLP, which seeks to identify, amongst other allocations, three new garden communities to support the delivery of their housing requirement for the period 2011 to 2033. Some 5,751 dwellings remain to be allocated. As a consequence, while Takeley is identified as a key village and a major focus for development, it has had very significant development to date, with 616 dwellings delivered so far within that plan period, and the eLP identifies only 22 remaining from former allocated quantities and 20 to be delivered in the plan allocation. This plan is in examination at the moment, and while I acknowledge there are objections to this strategic approach, it is also true that the appeal site, and the requirement for the village of Takeley, has been subject to assessment, resulting in the rejection of the site as a suitable location for housing and the acknowledgement of the relatively low remaining delivery for a village that has received very significant housing development over the past plan period.
76. The Council has made progress in addressing the shortfall in housing associated with its previous strategy under Policy S3, which links to the identification of countryside in Policy S7. It is now addressing a new strategy under the eLP, the progress of which is well-advanced. However, in light of objections, I clearly cannot give full weight to this strategy; it is nonetheless indicative of the Council's approach in terms of the further expansion of Takeley.

¹⁰ APP/C1570/A/14/2213025 and APP/C1570/W/16/3156864

¹¹ APP/C1570/W/16/3166101 and APP/C1570/W/17/3168869

77. The Council cannot at this point demonstrate a 5YHLS, but this does not override the development plan, nor does it confer approval at all costs. Planning is fundamentally about managing change in a sustainable way, and the principles of good planning must be retained. The Framework therefore sets out the Presumption of Sustainable development and the tilted balance, where a measure of harm may be accepted for schemes that provide a sustainable delivery in light of need.
78. To address that tilted balance, this is a site that has been considered under the Council's preferred strategic approach and found to be unsustainable, nonetheless it would deliver housing that would provide a boost to housing delivery, a significant proportion of which would be within the next 5 years. It is a site that rather than representing an edge of settlement site with visual, character and physical connections with the settlement, is one that lies at the upper distance of accessibility, has very limited if any visual connection and represents a sensitive site in terms of the character and function of the land in preventing the coalescence of settlements. In extending development beyond the Flitch Way, it would not only compromise the naturalised boundary that has been respected by all recent development in the area, but would introduce a potential precedent and significantly, an urbanising influence on an important, and highly regarded country park and local wildlife site, the Flitch Way. Furthermore, I have identified less than substantial harm to the nearby listed building of Great Canfield Park.
79. I acknowledge that I must give reduced weight to the current development plan and similarly, despite its advanced state, cannot give full weight to the eLP. I also acknowledge that considerable efforts have gone into the masterplan for this scheme to attempt to respond to the constraints I have identified. I have given significant weight to housing and economic benefits associated with the scheme, nonetheless, I find that these are significantly and demonstrably outweighed by the adverse impacts I have identified above.

Conclusion

80. The overall conflict with the development plan here is not therefore outweighed by material considerations and, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Joseph Cannon	Of Counsel, instructed by Uttlesford District Council Borough Solicitor
He called	
Alison Hutchinson MRTPI	Planning consultant - Hutchinsons

FOR THE APPELLANT:

Guy Williams	Of Counsel, instructed by Gladman Developments Ltd
He called	
Gail Stoten MCIfA	Heritage Consultant – Pegasus Planning Group
Clive Burbridge BSc(Hons), MSc, MRTPI, MCIT, MCILT	Transport Consultant - Icen Projects Ltd
Tim Jackson BA(Hons), DipLA, DMLI	Landscape Consultant – FPCR Environment and Design Ltd
Christien Lee BSc(Hons) MCD MRTPI	Gladman Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Dale-Harris	Of Counsel, instructed under the Bar Public Access Scheme by Great Canfield and Takeley Parish Councils
He called	
Virginia Barlow	Great Canfield Parish Council Member
Ian Alderton MCIAT, ACIOB,	Heritage Consultant – Architectural Management Ltd
Bruce Bamber BSc, MA, MSc, CMILT, MCIHT	Transport Consultant – Railton TPC Ltd

INTERESTED PERSONS:

Mr Hewitt	Representative of the Takeley Park Residents Association
Mr Bagnall	Local Resident – Smith's Green
Ms Reynolds	Friends of Flitch Way
Councillor Arthus	Ward Councillor
Ms Jewell	Local Resident – Great Canfield
Ms Southgate	Local Resident – Canfield Road
Mr Coleman	Local Resident and farmer
Mr Letchford	Local Resident – Smith's Green
Mr Fisher	Planning Consultant for Great Canfield Park
Ms Ball	Local Resident
Ms Judd	Local Resident – Great Canfield Road

DOCUMENTS

- 1 Signed Statement of Common Ground
- 2 Agreed Conditions
- 3 CIL Compliance Note
- 4 Appeal APP/C1570/W/18/3210211
- 5 Gladman Developments Ltd v SSCLG & Daventry District Council [2016] EWHC Civ 1146
- 6 Opening Statement – Appellant
- 7 Opening Statement – Parish Councils
- 8 Opening Statement – Council
- 9 Photograph – Mr Hewitt
- 10 Statement - Mr Bagnell
- 11 Statement - Ms Reynolds
- 12 Statement - Cllr Artus
- 13 Statement - Ms Jewell
- 14 Statement - Mr Coleman
- 15 Statement - Mr Fisher
- 16 Statement - Ms Southagte
- 17 Statement - Mr Letchford
- 18 Statement of Common Ground – Highways
- 19 History of Village Map and Document – Mrs Barlow
- 20 Statement - Ms Judd
- 21 Replacement plan – Swept Paths – (App. 7 rebuttal)
- 22 Extract – Inclusive Mobility
- 23 Interested Party response Document
- 24 Closing Submission – Council
- 25 Closing Submission – Parish Councils
- 26 Closing Submission – Appellant
- 27 Signed Agreement to conditions

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 28 Signed Planning Obligation under S106