



Appeal Decision

Site visit made on 20 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/J1915/W/21/3285461

Land at Bishops Stortford North, Bishops Stortford, CM23 2JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bishops Stortford North Consortium against East Hertfordshire District Council.
 - The application Ref X/21/0150/CND, dated 29 March 2021, sought approval of details pursuant to condition No 1 of a planning permission Ref 3/13/0804/OP granted on 2 April 2015.
 - The development proposed is *Erection of up to 2,200 dwellings inclusive of affordable housing; green infrastructure, amenity and formal and informal recreation space; landscaping; development of 2 mixed use local centres; residential development (use Class C3) and the potential for other community/cultural/leisure (Use Class D1 & D2); the potential for commercial floorspace (Use Class B1 a, b and c); a primary school and associated facilities; a further primary school; 4 new junctions (A120, Hadham Road, Rye Street and Farnham Road); estate roads and public transport route; footpaths/cycleways; site profiling/earthworks; a noise bund with barrier; a sustainable drainage system; utilities services including foul water pumping stations; 2 residential garden extensions; and the demolition of 3 dwellings (All matters reserved with the exception of full details of the appearance, landscaping, layout and scale of the residential element of Phase 1 and Access for Phases 1 & 2).*
 - The details for which approval is sought are: Condition 1, section b) which states; *As part of the first reserve matters submitted pursuant to condition 1(a), a Phasing Plan for the Eastern Neighbourhood, including the identification of the Development Parcels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Phasing Plan.*
 - The reason given states: *To comply with the requirements of section 92 of the Town and Country planning Act 1990 and the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and to ensure that high standards of urban design and a comprehensively planned development are achieved in accordance with the NPPF. (sic).*
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Decision

1. The appeal is allowed and the Phasing Plan for the Eastern Neighbourhood details submitted pursuant to condition No. 1. b) attached to planning permission Ref 3/13/0804/OP granted on 2 April 2015, in accordance with the application Ref X/21/0150/CND dated 29 March 2021 and the plan submitted with it labelled 1719/PP/100 Rev C and details contained at Paragraph 3.4, sections i) to x) inclusive, page 3 to 4 of the Statement of Case written by CMYK (Planning & Design) October 2021, are approved.

Background and Preliminary Matters

2. The local planning authority did not issue a decision within the typical timeframe (eight weeks being around the 24 May 2021 as per the registration letter dated 8 April 2021). It also decided to not submit a statement of case as part of the appeal process. It is therefore unclear as to whether the local planning authority would or would not have approved the submitted details had it been in a position to do so.
3. A recommendation to refuse the details was submitted to the District Council by Hertfordshire County Council as the local highways authority, dated 6 May 2021. I have taken this into account in framing the main issue in this case.
4. The main issue is whether the submitted Phasing Plan submitted pursuant to condition 1. b) of the original planning permission is adequate to discharge the condition.

Reasons

5. The submitted drawing (1719/PP/100 REV C) shows the phasing of the Eastern Neighbourhood would take place in ten phases. Within the Appellant's *Statement of Case* October 2021, at paragraph 3.4, the rationale and further detail behind each stage. This details when the road infrastructure would be put in place to serve the approved development.
6. I agree with the County Council this is not as visibly easy to read as a Gantt Chart. It is, nonetheless, clear that the Appellant has carefully considered how the site will come forward and balance the need for construction traffic against the convenience of new and existing residents and businesses. Moreover, the details submitted satisfy the wording of the condition which sets out that 'a *Phasing Plan for the Eastern Neighbourhood, including the identification of the Development Parcels*' is required.
7. With regard to specific numbers in each phase, I understand that there are other Reserved Matters and conditions which would need to be discharged in order to provide specific housing numbers and locations. Nonetheless, the overall size of the parcels, their phasing, and their connections to the wider road network are clear.
8. I therefore find that the submitted details – which include both the submitted drawing and the details in Paragraph 3.4 of the *Statement of Case* – are adequate in order to discharge Condition 1. b) of the original outline planning permission.
9. To be clear I have not considered any other details or conditions, nor have I discharged them. These remain extant as per the original permission Ref 3/13/0804/OP, or have/will be dealt with separately.
10. For the reasons given above I conclude that the appeal should be allowed and the details pursuant to condition 1. b) only are approved.

C Parker

INSPECTOR