



## Appeal Decision

Inquiry held on 10-13 May 2016

Site visit made on 17 May 2016

**by Lesley Coffey BA Hons BTP MRTPI**

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

**Decision date: 20 July 2016**

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**Appeal Ref: APP/W1525/W/15 3129306**

**Land East of Main Road, Bicknacre, Essex CM3 4EX**

- 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 against the decision of Chelmsford City Council.
  - The application Ref 14/01976/OUT, dated 2 December 2014, was refused by notice dated 12 June 2015.
  - The development proposed is a residential development of up to 110 dwellings, land for a Doctors surgery, open space, landscaping, ancillary infrastructure and means of access.
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### Decision

1. The appeal is dismissed

### Procedural Matters

2. The proposal is an outline application for up to 110 dwellings with all matters except the access reserved for subsequent approval. The Appellant submitted a plan showing how the development might be accommodated, but the plan is for illustrative purposes only and there could be alternative layouts for the site. It nevertheless provides a useful guide when considering the proposal before me.
  3. The parties submitted Statements of Common Ground in relation to general planning matters and housing land supply. These outline a number of areas where the parties are in agreement.
  4. The appellant submitted an agreement under s106 of the Act. This covenants to provide 35% of the proposed dwellings as affordable housing, local open space, a Local Open Space Maintenance Plan and a residential travel plan. A separate Unilateral Undertaking was submitted which covenants to transfer an area of land for the provision of a Doctor's surgery.
  5. During the course of the inquiry, the Council submitted an amendment to Appendix C of Ms Howick's rebuttal statement. The appellant submitted written comment on the final day of the inquiry and the Council was provided with an opportunity to respond to these comments. I have taken the comments of both parties into account in reaching my decision.
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6. Following the close of the inquiry the appellant submitted a recent appeal decision<sup>1</sup> which considered similar issues to this appeal. Both parts were provided with an opportunity to comment on that decision and I have taken their comments and the decision into account in reaching my decision.

### **Main Issues**

7. I consider the main issues to be:
- Whether the principle of the development outside of the defined settlement boundary is acceptable;
  - The effect of the proposal on the character and appearance of the surrounding area; and
  - Whether the Council can demonstrate a five year housing land supply.

### **Reasons**

#### ***Policy***

8. The development plan for the area includes the Chelmsford City Council Core Strategy and Development Control Policies Development Plan Document (adopted 2008), the Chelmsford City Council Site Allocations (adopted 2012), and Chelmsford City Council Core Strategy and Development Control Policies Focused Review (adopted 2013).
9. The Focussed Review identified those development plan policies that could be readily amended to be consistent with the provisions of the NPPF without the need to prepare further evidence in respect of those specific policies. Therefore it did not update or consider the housing requirement within the Core Strategy. The amendments were considered at an Examination in Public and found to be sound.
10. The National Planning Policy Framework (NPPF) states at paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
11. Together policies CP1, CP2, CP5 and DC2 provide the spatial strategy for the area for the period up to 2021. Policy CP1 is an overarching policy that seeks to secure sustainable development. It closely reflects the wording within the NPPF and the appellant does not dispute that it should be afforded full weight.
12. CP2 sets out the borough wide spatial strategy. It identifies the urban areas of Chelmsford and South Woodham Ferrers as the main focus for new development supported by appropriate development within the Key Defined Settlements (which include Bicknacre). It provides for a minimum increase of 14,000 dwellings over the Borough in the period 2001-2021. The Council acknowledges that the housing requirement within policy CP2 is not based on the full objectively assessed needs (OAN) for market and affordable housing within the housing market area (HMA), but on the now revoked East of England Plan. Moreover, it represents a 'policy on' figure. Therefore it cannot be considered to comply with paragraph 47 of the NPPF which requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in

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<sup>1</sup> APP/W1525/W/15/3049361

the housing market area. Accordingly the housing requirement within policy CP2 cannot be considered to be up to date and I afford it little weight. Notwithstanding this, the overall strategy whereby policy CP2 seeks to make best use of previously developed land and direct development to the most sustainable locations is consistent with the aims of the NPPF.

13. Policies CP5 and DC2 were both amended as part of the Focussed Review process. Policy CP5 seeks to prevent the erosion of the intrinsic beauty and character of the countryside from inappropriate forms of development, by defining the physical limit of the Urban Areas of Chelmsford and South Woodham Ferrers and the Defined Settlements. Policy DC2 has a similar aim and sets out the detailed criteria against which proposals outside of the settlement boundaries will be assessed. It restricts development to a specified list of acceptable development.
14. The settlement boundaries on which both policies are predicated were fixed having regard to the need to accommodate the housing requirements of the Core Strategy, which the parties agree do not represent an OAN in accordance with the NPPF. Recognising the intrinsic character and beauty of the countryside is one of the core planning principles at Paragraph 17 of the NPPF. Whilst policies CP5 and DC2 could be said to be consistent with the NPPF in so far as they seek to protect the countryside, the defined settlement boundaries are a fundamental part of the overall spatial strategy for the supply of housing within Chelmsford. In so far as they restrict the supply of housing in accordance with the spatial strategy, I find that the settlement boundary for Bicknacre is also out-of-date. I therefore afford policies CP5 and DC2 reduced weight.
15. I am aware that the Council's emerging OAN is not dissimilar to that within the Core Strategy, however, it is still at an early stage in the plan-making process so it carries only limited weight.
16. I am aware that my conclusion on this matter differs from that reached by the inspectors in respect of the Lion Inn, Boreham; Baileys Cottage, Chatham Green; and Pondsider Cottage<sup>2</sup>. In the case of the Lion Inn, the inspector afforded full weight to policies CP1, CP5 and DC2 on the basis that the Examination in respect of the Focussed review found them to be sound. The inspector at Baileys Cottage afforded policies CP5 and DC2 significant weight on the basis that the aim of protecting the countryside within the policies was consistent with the NPPF. However, these decisions did not address the consistency of the housing requirement within the Core Strategy with paragraph 47 of the NPPF which require the housing requirement on full objectively based needs for market and affordable housing.

***Whether the principle of the development outside of the defined settlement boundary is acceptable***

17. The appeal site is situated outside of the settlement boundary where policies CP5 and DC2 preclude residential development other than for specific purposes. The proposal therefore conflicts with these policies, however, for the reasons given above, the weight to be attributed to the settlement boundary is limited.

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<sup>2</sup> APP/W1525/W/14/3001771, APP/W1525/W/15/3137020 & APP/W1525/W/15/3009062

18. Bicknacre is a Key Defined Settlement and as such is a village which the Core Strategy considers can accommodate additional development due to its size, population, accessibility and range of services.
19. Bicknacre also benefits from public transport links with Chelmsford. Therefore the location of housing development in this location, close to the centre of the village, would accord with paragraph 34 of the NPPF which encourages new development to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It would also be consistent with paragraph 55 which states that within rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
20. I therefore conclude that although the proposal would conflict with Core Strategy policies CP5 and DC2 due to its location outside of the settlement boundary, subject to the effect of the proposal on the intrinsic character and beauty of the countryside, the proposal is acceptable in principle.

***The effect of the proposal on the character and appearance of the surrounding area;***

21. The appeal site comprises a single irregular agricultural field, which is currently in use as arable land. The site boundaries to the north-east, east, south and west are defined by a largely continuous belt of existing mature trees and relatively tall hedgerows. To the north-west the site adjoins the rear gardens of existing development and the pub car park.
22. The trees along the boundary of the appeal site with Main Road are protected by a Tree Preservation Order (TPO). A further TPO protects the trees along the field boundary with Horseshoe Farm.
23. The access to the proposed development would be located opposite the existing dwellings in White Elm Road. The illustrative layout shows the dwellings situated to the rear of the existing development within White Elm Road with an area of open space and an equipped play area located towards the south of the site adjacent to Main Road. It is proposed to provide a network of footpaths through the site and a potential bridleway along the south eastern boundary of the site.
24. Although the weight to be attributed to the settlement boundaries on which policies CP5 and DC2 is limited for the reasons given above, they also seek to recognise the intrinsic character and beauty of the countryside. This aim accords with one of the core principles in the NPPF. The accompanying text to policy CP5 states that in assessing the character and beauty of the countryside, the Council will make a judgement on a site-by-site basis. The Council seek to protect the characteristics of different areas including the open, arable fields, low lying marshlands and the Crouch and Roach river estuaries to the south.
25. The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (LCA) describes Bicknacre as a clustered settlement with very limited built form beyond the consolidated built up area. Bicknacre is centred on the junction of Main Road, White Elm Road, and Priory Road. The appeal site is located towards the centre of the village, and extends behind the Swan public house and its car park. Bicknacre is unusual in that it has historically developed along the main roads and infill development, much of

- which is relatively recent, is located towards the periphery of the settlement. As a consequence development within the centre of the village tends to be older and does not display the tight urban grain evident towards the periphery of the village. In this context the openness of the land to the south of White Elm Road and the east of Main Road makes a significant contribution to the setting of the village.
26. Distant views of the proposal would be limited. The bridleway 237\_4 is separated from the appeal site by the intervening fields. Due to the undulating nature of the landscape and the hedgerows and trees the proposal would have little discernible effect on the wider landscape.
27. The south western boundary of the site adjoins Main Road and takes the form of mature trees set within a hedgerow. At the time of my visit the trees were in full leaf and the appeal site was not readily discernible. The illustrative layout shows a buffer zone and public open space adjacent to this boundary. Therefore whilst some of the proposed dwellings may be noticeable in the winter months, the proposal would not significantly alter the views from Main Road. Moreover, in views from this direction the proposal would maintain the suburban appearance of this part of Bicknacre.
28. The southern side of White Elm Road differs in character from the remainder of the village and is distinctly rural in character. Built development to the east of the appeal site comprises a garden centre and stables, and Britannia Farm – a rare breed centre. At the present time this part of White Elm Road is very open in character and appearance, with views across the fields to the tree line beyond. The proposed access would require the removal of a number of trees along the boundary and would open up views of the site to the wider area. The proposed dwellings would be noticeable in views from this part of the village and would replace the existing rural landscape with housing.
29. Although there is a hedgerow and some trees along the boundary with the Swan Public House and car park, these provide limited screening and the proposed development would be noticeable in views across the car park and from elsewhere within the village.
30. The appellant suggests the proposal would consolidate the layout and form of the village. When considering aerial views of the village, the appeal site may seem to be a logical extension to the village boundary, but when looked at on the ground it would replace the open rural character of the eastern side of the village with suburban style development. Therefore the proposal would significantly alter the rural setting that characterises the centre of the village. The site displays the characteristics which policy CP5 specifically seeks to protect and would therefore give rise to intrinsic harm to the countryside.
31. I therefore conclude that the proposal would harm the character and appearance of the surrounding area and the rural setting of the village, and in this regard would fail to comply with those aspects and purposes of development plan policies CP5 and DC2 as well as, importantly, paragraph 17 of the NPPF.

### ***Housing Land Supply***

32. National planning policy in relation to housing is set out in the NPPF. This seeks to significantly boost the supply of housing. It encourages local planning

authorities to ensure that their local plan meets the need for market and affordable housing in their housing market area and to identify a supply of deliverable sites sufficient to provide 5 years' worth of housing against their requirements. To ensure choice and competition in the market an additional buffer of 5% is required or, where there has been a record of persistent under delivery, a buffer of 20%.

33. The assessment as to whether a Council is able to demonstrate a 5 year supply of housing land needs to take account of the housing requirement, any previous shortfall in delivery, the appropriate buffer, and the available housing land supply.
34. The parties agree that the housing requirement within the Core Strategy is out-of-date in that it was not based on an objective assessment of housing need in accordance with the provisions of the NPPF. They also agree the extent of the previous shortfall, that a buffer of 20% should be applied to the 5 year housing requirement due to the persistent under delivery in previous years, and that the Council has identified sufficient land to deliver 5,832 dwellings over the 5 year period 2016/17 to 2020/2021. They differ as to the Objectively Assessed Need (OAN) and as to whether a lapse rate should be applied.

*Objectively Assessed Need*

35. Paragraph 47 of the NPPF requires Local Planning Authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF. The Planning Practice Guidance (PPG) advises that in the absence of a relevant requirement within a Local Plan the housing requirements should be assessed against the full objectively assessed need for the area.
36. The Council commissioned Peter Brett Associates (PBA) to calculate its OAN. PBA consider the OAN to be 775dpa, whereas the appellant considers the OAN to be considerably higher at 1,129dpa. The difference between the parties is due to different household formation rates, the approach to affordability and economic activity rates. Thus there is a difference of 354 dpa between the parties in relation OAN. Of this, 109 dpa is accounted for by the appellant's adjustment to household formation rate and 245 is due to different economic activity rates.
37. The parties agree that the starting point for the housing requirement is the 2012 based household projections. These are trend based projections based on the 2011 census and do not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. PPG explains that the household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. It also advises that household projections may need to be adjusted to take account of market signals, economic activity and migration.
38. The Council considers an adjustment to household formation rates to be unnecessary. It acknowledges that there is evidence of worsening affordability, but submits that this should be addressed by way of an adjustment in relation to market signals and not household formation rates. The appellant is of the

opinion that the starting point should be uplifted to take account of suppressed household formation rates in recent years.

39. Evidence submitted by the appellant<sup>3</sup> shows a decline in household formation rates for all types of household within the 25-34 age group, both nationally and within Chelmsford. On behalf of the appellant it was submitted that there has been a decrease in affordability in recent years and this has particularly impacted on the 25-44 age group leading to an increased proportion of concealed households. For this reason the appellant believes that the household formation rates for this age group should be adjusted to reflect the 2008 trends for this age group, which the appellant considers can be taken as a reasonable proxy for a projection that was not suppressed due to affordability.
40. Household formation rates have fallen nationally since the time of the 2001 census for a variety of reasons. The Council referred to a number of academic articles which find that the causes for reduced household formation rates are varied and that some are likely to continue regardless of recessionary influences. The 2008 projections follow a 40 year trend (1961-2001), whilst the 2012 projections are based on 2011 census information.
41. However, within Chelmsford the household formation rates for the 25 -44 year age group are either at, or above, the national average. Therefore whilst I accept that recent recessionary influences may have reduced affordability for this age group, there is no substantive evidence to indicate that that local demographic factors justify an uplift in the household formation rates. I share the Council's view that the correct approach to the decline in affordability is by way of an adjustment to take account of market signals.
42. Market signals take account of house prices, affordability and overcrowding including concealed households. Therefore although it is broader in its scope than household formation, it addresses the affordability issues that have arisen in recent years. Both approaches would increase the OAN above the 2012 based household projections. The two affordability adjustments would give rise to a similar figure, 723 based in the Council's suggested 10% uplift in relation to market signals, or 749 based on the appellant's approach. Even if there were local evidence to indicate that that household formation rates should be adjusted, there is no compelling evidence to support a return to the 2008 rates. I am therefore satisfied that the 2012 household projection rates provide a reasonable starting point for the assessment of the relevant OAN within Chelmsford.

#### *Economic Activity Rates*

43. Although the appellant considers the predicted future annual employment growth of 887 employed people to be conservative, the parties agree it is a reasonable figure for the purposes of assessing the OAN in the context of this appeal. The Council states that it corresponds to an annual job growth of 1,013 due to some people having more than one job. The essential difference between the parties relates to the size of the labour force necessary to meet the projected jobs growth. This in turn is dependent upon the economic activity rate. If activity rates are lower, then for a given number of jobs more workers will be required and so there will be a greater housing need.

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<sup>3</sup> JD rebuttal proof table 2

44. PBA consider that the provision of 775 dpa would provide sufficient workers to meet this demand, whilst the appellant calculates that 1,020 dpa (assuming the 2012 headship rates) will be required. The Council's figure was informed by three different economic and labour market scenarios. Of these only one, the Edge Analytics, found that in order to meet the predicted labour demand the population would need to be greater than that predicted by household projections alone. On the basis of this finding the OAN figure was increased from 657dpa to 775dpa.
45. The Edge Analytics Report adopts the economic activity rates from EEFM<sup>4</sup>, and uses them in its own model, PopGroup. The mechanics of the Edge Analytics model are different from EEFM's. In particular, in PopGroup there is no demand-side link whereby the resident population creates local jobs through its consumption of local services. The supply link within the Edge Analytic model is based on fixed ratios, rather than the dynamic adjustment through unemployment rates as used in the EEFM. Edge Analytics show the economic activity rates for Chelmsford would increase from 74% in 2013 to 80.1% in 2031. It is this figure that informs the Council's OAN.
46. The appellant considers the economic activity rates (derived from EEFM) used to be implausible and unrealistic. For the population aged 16-64, EEFM assumes that the employment rate will be 95.3% in 2031. The appellant considers that the level of activity is likely to be much lower due to a number of factors, such as the numbers in full time education, those with caring responsibilities, early retirement, and disability. However, the Council explain that the rate concerned is the ratio of the total number of employed people in the population (regardless of age) to the population aged 16-64. It does not express the percentage of people aged 16-64 in employment<sup>5</sup>
47. Appendix B to Ms Howick's proof shows that EEFM predict that the '*Residence employment rate*' will increase to 78.8% by 2031. The Council acknowledges that the figure is high, but explains that it includes those currently unemployed and anyone with a job, including part-time jobs regardless of the number of hours worked. The population aged 65 and over is the cohort of population which is growing fastest as a proportion of the total population (because the population is ageing), and also the cohort in which economic activity is expected to rise fastest due to the increase in the state pension age, improved health and life expectancy.
48. The appellant considers the employment rate assumptions are extremely high in the context of past trends and compared to the predictions made by EEFM for the County, the East of England region and for the UK. Whilst past trends are clearly helpful in assessing future employment and economic activity levels, they do not reflect recent changes such as the increase in the state pension age, and the increasing economic activity rate amongst older people. Data relied upon by the appellant from the ONS Annual Population Survey shows that economic activity rates for the 16-64 age group within Chelmsford generally exceed those for the East of England and Essex, and are consistently higher than 80%. Therefore on the basis of the evidence submitted to the inquiry I am satisfied that the employment rate assumptions used by Edge Analytics are not unrealistically high.

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<sup>4</sup> East of England Forecasting Model

<sup>5</sup> This point was accepted by Mr Donagh in the Erratum in his rebuttal



49. The appellant's approach to economic activity rates relies on the Kent County Council (KCC) research which is calibrated against the Office for Budget Responsibility rates (OBR). On the basis of these projections there would be a need for 1,129dpa. Mr Donagh also considered the OBR rates and the EU rates, but preferred the KCC rate since it only addresses the economic activity rate in the 16-74 age group. He considered that the reliance on persons working over the age 74 was misplaced, since this age group is significantly above programmed changes to the State Pension Age. However, even on the basis of the OBR and EU figures the current participation rate for this age group varies between 3.1 and 4.8% at the present time. Notwithstanding this, Mr Donagh stated that even if this age group is included, there would only be a marginal difference of about 4 dpa to the overall number of dwellings required. Therefore there is no reason to prefer these alternative economic activity rates.
50. The Council considers that there is a logical inconsistency with the appellant's approach, in that it applies a different set of national-level assumptions about economic activity rates (from the OBR) to that which fed into the prediction of job demand (EEFM's own). The national job forecast depends in part on a prediction as to the likely economic activity of the population (the national economic activity rate). This is then translated to the local level by providing sector by sector predictions to the particular split of sectors at the local level, and thereby provides the local employment growth figure.
51. The Council submit that it cannot be methodologically sound to discard those assumptions when comparing job demand to likely labour supply needed and choose an entirely different set of assumptions. In order to illustrate this using the Experian forecasting model, it substituted the OBR economic activity rates preferred by the appellant. The forecast found that whilst labour supply fell so did job demand. The appellant was critical of the submitted forecast due in particular to the high economic activity rates of 96.14% amongst the 16-64 age group. Whilst it is not the Experian forecast on which the Council rely, nonetheless, I agree with the appellant that this figure does seem particularly high, even taking account of the explanation provided by Experian for the figure. Notwithstanding this, the purpose of the alternative forecast was to illustrate the relationship between the activity rates and jobs demand.
52. Whilst I have no reason to doubt that the OBR figures are robust, and accept that they are confirmed by the UK Statistics Authority and relied upon by the Government. Nevertheless they take a different approach to activity rates and project forward the currently behaviour of people in a particular age gender group into the future. This means that reduced participation rates in a particular age group today will lead to a permanent decrease by comparison with older generations. Accordingly the participation rates tend to be lower for the younger male cohorts and contribute to the lower overall OBR activity rates.
53. The appellant refers to the Longbank decision<sup>6</sup> where the inspector attached greater weight to the OBR rates put forward by the appellant. The extent of the evidence before the Longbank inspector is unclear, but it would seem that the evidence before this inquiry differs in that at this appeal the Council used three different forecasts to arrive at the OAN. Moreover, the Council provided a clear

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<sup>6</sup> APP/V0728/W/15/3018546

explanation for the activity rates put forward, which would provide 18% uplift over the demographic starting point.

54. As explained by PPG, establishing future need for housing is not an exact science. No single approach will provide a definitive answer. This is evident in that despite agreement in respect of many aspects of the housing requirement there remains a significant difference between the parties due mostly to the application of different economic activity rates. The Council's assessment of the OAN took account of three different forecasts all of which differed from each other. It decided that since it was not possible to tell which job-led demographic scenario was more plausible it based its OAN on the highest of the three projections which was not constrained by labour supply.
55. PPG advises that plan-makers should make an assessment of the likely change in job numbers based on past trends and/or economic forecasts as appropriate and also having regard to the growth of the working age population in the housing market area. Whilst the appellant is critical of the economic activity rates used by the Council, for the reasons given above I do not find them implausibly high. I have therefore found no obvious shortcomings with the Council's approach to assessing its OAN. The Council has approached the OAN in an open and transparent manner. In my view, on the basis of the information submitted to this inquiry, there is no reason to doubt that the Council's OAN is consistent with paragraph 47 of the NPPF and the advice in PPG. I therefore consider it to be the best indicator of housing need that is available at the present time.
56. I am aware that I have reached a different conclusion on this matter from my colleague in respect of the Boreham appeal<sup>7</sup>. However, it would seem that the evidence before this inquiry differed from that at the Boreham appeal in that there was no evidence from Experian about the effect of applying less optimistic economic activity rates to its prediction of labour market balance; no re-run of their model using the KCC economic activity rates; and no critique of the KCC/OBR economic activity rates made by Ms Howick at the Bicknacre Inquiry. Therefore the circumstances of this appeal differ from the Boreham appeal.

#### *Lapse Rate*

57. The Inspector in respect of the Lion Inn Appeal considered it improbable and unrealistic that all the sites in the Council's housing trajectory will come forward within the 5 year period. On this basis he applied a lapse rate of 5% for sites with planning permission and 10% for other sites. The appellant suggests that a similar lapse rate should be applied in the case of this appeal.
58. At the inquiry the Council explained that it has recently adopted a much more robust methodology for assessing housing land supply and recent completions have exceeded predictions. It explained that 97% of its sites either have planning permission or are allocated in the development plan. Footnote 11 to paragraph 47 of the NPPF states that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units, or sites have long term phasing plans.

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<sup>7</sup> APP/W1525/W/15/3049361

59. The appellant did not dispute the delivery of any of the sites within the housing trajectory. I acknowledge that it is unlikely that all of the sites predicted to come forward will do so. However, the NPPF requires the 20% buffer (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. In the light of the very high proportion of sites with planning permission and the robust approach of the Council towards assessing housing land supply I do not consider that a lapse rate is justified.

*Housing Land Supply Conclusion*

60. I have found the Council's OAN to be robust, accordingly there is a five year housing requirement of 3875. When an allowance for the previous shortfall and the 20% buffer are added the five year housing land supply requirement is 4934. When set against the identified supply of 6,212 I conclude that the Council is able to demonstrate a 5 year housing land supply

**Other Considerations**

61. Local residents were concerned that the proposal would unacceptably increase traffic within the village, particularly during peak periods. Residents also believed that the additional traffic arising from the proposal would add to the accidents that occur at the roundabout. The Highway Authority did not object to the proposal and is satisfied that the traffic likely to be generated by the proposal could be accommodated without giving rise to any highway capacity or safety concerns. On the basis of the submitted evidence I have no reason to reach a different conclusion.

*Affordable Housing*

62. The Appellant proposes that 39 affordable dwellings will be delivered on the appeal site within the next 5 years. The LPA's Strategic Housing Market Assessment (SHMA) identifies the need for 246 affordable dpa to be delivered. This is equivalent to 23% of all completions and considerably exceeds the Council's previous delivery rate. Therefore there is a considerable un-met need for affordable housing within Chelmsford. Balanced against this need, the Council's housing land supply includes 1601 affordable dwellings to be delivered in the next 5 years (an annual average of 320 dpa) and would therefore comfortably exceed the SHMA requirement. Notwithstanding the Council's projected supply the delivery of 39 affordable dwellings would be a significant benefit of the proposal.

63. At the inquiry Councillor Poulter explained that residents within Bicknacre have identified a need for about 10 affordable homes and have been in discussion with a social housing provider. Whilst a site to the rear of the Brewers Arms PH had been identified the landowner does not wish to pursue this at the present time. In these circumstances the proposal would meet an existing need for affordable housing in the village and would be a benefit of the proposal.

*Doctor's Surgery*

64. The unilateral undertaking submitted by the appellant covenants to provide land for a doctor's surgery. However the NHS England do not support the proposal because a new surgery has recently been established in Danbury, and it does not consider that there is a need for the proposed surgery. I am aware

that Doctor Sankar still hopes to be able to self-fund the surgery. Whilst the provision of a surgery would be a benefit to the village, the weight to be afforded to this matter is limited due to the lack of certainty that it will come forward.

#### *Flooding*

65. The appellant advises that the proposal will make provision for the storage of additional flood water on the site to help alleviate existing flooding problems within the village. This would be a benefit of the proposal and I afford it moderate weight.

#### **Overall Planning Balance**

66. The Framework sets out a presumption in favour of sustainable development. Economically, the development would bring short-term advantages in respect of jobs during the construction period. In the longer term it would increase household spending within Bicknacre and Chelmsford. It would also support economic growth through the creation of jobs in local services to meet the additional demands arising from the development and would also add to the number of economically active residents within Chelmsford.
67. The appeal site is located in an area well served by public transport and close to local shops and services including the primary school. The proposal would be socially sustainable in that it would provide up to 110 new dwellings, including 39 affordable dwellings to meet the needs of present and future generations. This would be a significant benefit of the proposal. The provision of an area of open space within the site and would also create additional ecological habitats would be a further benefit of the proposal.
68. The Council can demonstrate a five year housing land supply and so there is no immediate pressure to release further land for housing. Although paragraph 49 of the NPPF is not engaged, for the reasons given above policies, CP2, CP5 and DC2 are out-of-date in so far as they relate to the settlement boundary. Paragraph 14 of the NPPF states that where the development plan is absent, silent, or the relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
69. Although the NPPF seeks to significantly boost the supply of housing, it is also clear that this should be achieved by local authorities properly planning for the full objective needs of their areas through the local plan process. Since the Council have a greater than five year housing land supply for market and affordable dwellings, the appeal site does not need to be developed in order for the Council to significantly boost the supply of housing.
70. The proposal would erode the character and appearance of the surrounding area and would also harm its intrinsic character and beauty. As such it would be contrary to the aims of policies CP5 and DC2. Although the weight to be afforded to these policies is reduced in that the boundaries on which they rely are out of date, the proposal would also be contrary to paragraph 17 of the NPPF due to the intrinsic harm to the countryside and its failure to take account of the different roles and character of different areas. In this regard the proposal would not be environmentally sustainable. Sustainable development

has three dimensions, economic, environmental and social. Paragraph 152 of the NPPF states that significant adverse impacts on any of these dimensions should be avoided. Therefore I conclude that looked at in the round the proposal would not be sustainable development.

71. Whilst the proposal would not accord with the development plan as a whole, due to the conflict with policies CP5 and DC2, however, for the reasons given above, the weight to be afforded to this conflict is reduced. Nevertheless, when the harm to the countryside is assessed against the policies in the Framework taken as a whole, including the presumption in favour of sustainable development, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

**Conclusion**

72. For the reasons given above, and taking account of all material considerations. I conclude that the appeal should be dismissed.

*Lesley Coffey*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE APPELLANT:

Sarah Reid	Of Counsel
She called	
Jonathon Dixon	Savills
James Donagh	Barton Willmore
Steve Lucas	Development Economics
George Venning	George Venning Associates
Garry Holliday	FPCR Environment and Design Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Josef Cannon	
He called	
Julie Broere	Chelmsford City Council
Cristina Howick	Peter Brett Associates
Laura Percy	Chelmsford City Council

### INTERESTED PERSONS:

Councillor Richard Poulter  
Councillor June Saltmarsh  
Fiona Wilson  
Andrew Armstrong  
Jo Mathieson  
Ann Fricker

### DOCUMENTS

- 1 Letter dated 25 April 2016 notifying interested parties of arrangements for the Inquiry
- 2 Appeal decision Ref: APP/F1610/A/14/2228726 submitted by Council
- 3 Suffolk Coastal & Hopkins Homes Judgement submitted by Council
- 4 Household headship rates Chelmsford submitted by Council
- 5 Housing Land Supply Statement of Common Ground
- 6 List of suggested conditions submitted by Council
- 7 S106 Agreement submitted by the appellant
- 8 Unilateral Undertaking submitted by appellant
- 9 Opening submissions on behalf of the appellant
- 10 Opening submissions on behalf of the appellant
- 11 Statement of Common Ground
- 12 Affordable housing Statement of Common Ground
- 13 Submission on behalf of Woodham Ferrers and Bicknacre Parish Council
- 14 Submission on behalf of Fiona Wilson
- 15 Note justifying Planning Obligations submitted by Council

- 16 Transport note submitted by appellant
- 17 Updated Appendix C of Cristina Howick's Rebuttal
- 18 Appellant's Response to Appendix C of Cristina Howick's Rebuttal
- 19 Councils Final Comments in respect of Appendix C
- 20 Appeal decision Ref: APP/W1525/W/15/3049361

Richborough Estates