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## Appeal Decision

Inquiry held on 31 October, 1, 2, 3, 13 and 14 November 2017

Site visit made on 15 November 2017

**by R J Jackson BA MPhil DMS MRTPI MCMi**

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

**Decision date: 10 January 2018**

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**Appeal Ref: APP/W1525/W/16/3162344**

**Old Chase Farm, Hyde Lane, Danbury, Chelmsford CM3 4LP**

- 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 Mr A Jubb against the decision of Chelmsford City Council.
  - The application Ref 16/00129/OUT, dated 22 January 2016, was refused by notice dated 3 May 2016.
  - The development proposed is outline planning application for 59 dwellings and a shop unit.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. At the Inquiry applications for costs were made by Chelmsford City Council against Mr A Jubb, and by Mr A Jubb against Chelmsford City Council. These applications are the subject of separate Decisions.

### Procedural matters

3. I held a Pre-Inquiry Meeting in respect of the administrative and organisational aspects of the appeal on 5 July 2017. During the previous afternoon I undertook an unaccompanied site visit to the vicinity of the appeal site, including viewing the site from St Peter's Way, and thus saw the site with summer vegetation in place.
4. The application was made in outline with all matters reserved for later consideration. An illustrative layout was submitted showing a potential layout for the proposed development. I have considered the appeal as made in outline with all matters reserved and the drawing as illustrative.
5. On 6 July 2017 the Council issued an Enforcement Notice alleging, without planning permission, a material change of use of part of the appeal site for storage. This relates to the northern and part of the western side of the appeal site. An appeal<sup>1</sup> has been lodged against this notice with the grounds including that there has not been a breach of planning control<sup>2</sup>. This matter is not before me, but I will assume that the appellant is successful on the basis

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<sup>1</sup> APP/W1525/C/17/3181909

<sup>2</sup> Under ground (c) of Section 174(2) of the Town and Country Planning Act 1990 (as amended)

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that this gives him the greatest benefit and will therefore consider the appeal on the basis of the current area of storage on the appeal site.

6. At the Inquiry the appellant indicated that it was his intention to submit three Planning Obligations dealing with affordable housing, the shop, and a footpath, pedestrian crossing and bus provision. These were to be made by way of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act), but these were not submitted by the time the Inquiry closed, although drafts were discussed.
7. Three completed Planning Obligations, two dated 24 November 2017 by way of Unilateral Undertaking, dealing with the shop, and a footpath, pedestrian crossing and bus provision, and one, dated 28 November 2017 by Agreement with the Council, dealing with affordable housing, were submitted after the Inquiry closed. The Council was given the opportunity to make any final comments and confirmed that the Planning Obligation dealing with affordable housing overcame the reason for refusal dealing with that issue. I will discuss the three Planning Obligations below.
8. After the Inquiry closed the High Court issued its decision in the case of *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited*<sup>3</sup> (*Braintree*). The main parties were given the opportunity to make comments in the light of this decision and I have taken those comments into account.
9. At the opening of the Inquiry I set out what I believed to be the main issues in the appeal, and these remain. However, it is also necessary to set out the Policy Background to the consideration of the appeal and come to some conclusions. I will do that prior to considering the proposal against those main issues. I will then look at any other matters before undertaking the planning balance and coming to a final conclusion.

### **Main Issues**

10. The main issues are:
  - the effect on the character and appearance of the area;
  - whether the location of the site is such that the need to travel would be minimised and the use of sustainable transport modes maximised;
  - whether the proposal makes appropriate provision towards affordable housing; and
  - whether there are any other material considerations, including the housing land supply situation and the benefits of the proposal, which would indicate that the proposals should be determined otherwise than in accordance with the terms of the development plan.

### **Reasons**

#### *Policy Background*

11. The development plan for the area includes the Chelmsford City Council Core Strategy and Development Control Policies Development Plan Document 2008

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<sup>3</sup> [2017] EWHC 2743 (Admin)

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(the CSDCP), the Chelmsford City Site Allocations Development Plan Document 2012 (the SADPD), and the Chelmsford City Council Core Strategy and Development Control Policies Focused Review 2013 (the FR).

12. Policy CP2 of the CSDCP sets out the borough wide spatial strategy. This includes that new development will make best use of previously developed land and will follow a sequential approach to the sustainable location of development. This indicates that the main focus for development will be in the urban areas of Chelmsford and South Woodham Ferrers supported by appropriate development within the Key Defined Settlements, with remaining development taking place north of Chelmsford's Urban Area. Policy CP2 indicates that there would be a minimum increase of 14,000 dwellings (net) in the period 2001-2021 in accordance with the policies of the then Draft East of England Plan. This equates to 700 dwellings per annum (dpa). It then goes on to set out a table of provision, in line with the spatial strategy set out above, giving rise to a total of 16,170 dwellings.
13. The East of England Plan (the EEP) was later approved to require 800 dpa in the Council area and the Council indicated that it had been its intention to undertake an early review of the CSDCP so that it accorded with the EEP. However, the EEP was then revoked and the National Planning Policy Framework (the Framework) published and, instead of a whole plan review, the Council undertook the FR as an interim measure. To use the EEP now would be to take account of an immaterial consideration. However derived, the 700 dpa in the CSDCP remains the development plan requirement.
14. It was explained that the FR dealt with those development plan policies which could be readily amended to be consistent with the Framework, without the need to prepare further evidence. It, therefore, did not update or consider the housing requirement within the CSDCP. The amendments were considered at an Examination in Public and found sound.
15. Among the policies found sound was Policy CP1 entitled "Securing Sustainable Development". This set out that those planning applications that accord with the policies of this Development Plan Document will be approved without delay, unless other material considerations indicate otherwise. It also indicates that where relevant policies are out-of-date at the time of making the decision then permission will be granted unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. This, in all essentials, is the same as set out at paragraph 14 of the Framework. It was agreed that there were no such 'specific policies' applicable to this appeal.
16. Policies CP5, CP15 and DC2 of the CSDCP were all re-considered as part of the FR and, following due consideration, were adopted and now form part of the development plan. Policy CP5 of the FR indicates that within the rural areas beyond the Metropolitan Green Belt the Council will protect the intrinsic character and beauty of the countryside whilst supporting rural communities and economies. Policy CP15 of the FR requires a proportion of new homes to be affordable, and also indicates that in reaching decisions account will be taken of the latest assessment of local housing market conditions and housing

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needs. Policy DC2 of the FR deals with managing development in the countryside beyond the Green Belt. It is stated that here the countryside will be protected for its intrinsic character and beauty. This policy then indicates that planning permission will be granted in this area for a list of development categories provided that the intrinsic character and beauty of the countryside is not adversely impacted. The appeal proposal, it was agreed, does not fall within this list.

17. The appellant indicated that he considered that Policies CP5 and DC2 of the FR, which relate to "protecting" the countryside, were inconsistent with the Framework, and in particular paragraph 17, which espouses protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. He therefore took the view that Policies CP5 and DC2 should be given lesser weight in line with paragraph 215 of the Framework.
18. However, it seems to me that, post the publication of the Framework, where a policy has passed examination and been found sound, even if it would appear to be in some way inconsistent with the Framework, it should be given full initial weight unless there has been some other subsequent material change in circumstance. This is because it must have been drawn up having regard to national policies and advice contained in guidance by the Secretary of State<sup>4</sup>, including the Framework, and examined on that basis<sup>5</sup> taking local circumstances into account (paragraph 10 of the Framework). It is not the purpose of a Section 78 appeal to reconsider that matter, as the planning system is to be plan led, and there have been no material changes in circumstances. I will discuss whether other material considerations would indicate a decision other than being in accordance with the policies of the development plan later in this decision.
19. Policy DC31 of the FR requires the provision of 35% of the total number of residential units to be provided and maintained as affordable housing on, *inter alia*, sites with a capacity of 15 or more dwellings, with this proportion being subject to viability.
20. Since adoption of the FR the Council has been preparing the Chelmsford Local Plan (the CLP). However, this has not reached a stage whereby it could be given more than very limited weight and it was agreed that the proposal did not need to be assessed further against the policies of the CLP. This was because, for the purposes of this appeal the relevant policies, apart from those relating to housing provision, are similar to those in the adopted development plan. Those policies relating to housing provision have not been tested and there are remaining objections and consequently, in line with paragraph 216 of the Framework, they can only be given very limited weight. However, evidence to support the production of the CLP is material and I will discuss that below.
21. The Council has also adopted in 2011 as part of the Local Development Scheme "Danbury – A Planning Framework". It states it is a guidance document for designing new development, or maintaining and caring for the village and for promoting enhancements. It is of little weight in dealing with an outline application with all matters reserved.

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<sup>4</sup> Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act)

<sup>5</sup> Section 20(5)(a) of the 2004 Act

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22. Danbury Parish Council has indicated that it is intending to prepare a Neighbourhood Plan. At this stage no document has been published, and as such, this can have no consequence for this appeal.

*Character and appearance*

23. The appeal site lies on the eastern side of Hyde Lane (B1418). This is a rural road to the southeast of Chelmsford in a Rural Area beyond the Green Belt and the appeal site is outside any settlement boundary as defined in the development plan. The nearest edge of the main built up area of Danbury lies approximately 1.2 km to the north and northwest and that of the built up area of Bicknacre lies approximately 0.5 km to the southwest. There are a number of dwellings along Hyde Lane, predominantly being single properties with their curtilages in depth, although the dwellings do not necessarily front the road. These properties are generally large and are set in extensive grounds. My overall impression was that residential development in the vicinity could be best described as sporadic.
24. The appeal site, which has an area of 4.46 ha, is essentially "Y" shaped with the bottom section extending to Hyde Lane. The land of the more northerly of the two arms is generally flat, although sloping gently down to the north to a watercourse. The easterly arm involves a change in levels at the junction of the "Y", with the area further from Hyde Lane being at a higher level. To the west of the northerly arm between the site and Hyde Lane is a petrol filling station and fuel storage depot which gives an industrial appearance. There are two dwellings on this eastern side of Hyde Lane close to the appeal site, one immediately to the north of and accessed through the fuel depot, and a separate bungalow, Hyde Croft, approximately as far north as the northernmost part of the appeal site.
25. There is an approximately 2 m high earth bund surrounding the appeal site, although along the southern side this is set a short distance from the boundary. The southern boundary is made up of a gappy hedgerow interspersed with various trees. The trees in this area, along with a section into the site at the intersection of the change of levels, are protected by a Tree Preservation Order<sup>6</sup>. A second Tree Preservation Order<sup>7</sup> protects a number of trees along the northern boundary of the appeal site and to the northeast.
26. Currently the site is in storage use. A Certificate of Lawful Development or Use was issued by the Council in 2001 for "Use of land for the storage of caravans". This relates to three defined areas, although two join on the southern part of the site. The defined areas do not include the area the subject of the enforcement notice. There have been a number of other planning permissions for ancillary works. In addition, there was a planning permission granted in 1973 for "stationing of a farm shop for sale of own product and retention of access and hardstanding" on the area of the bottom section of the "Y".
27. The storage use consists of open storage on extensive areas of hardstanding which cover the vast majority of the appeal site. At the time of the site visit, the nature of the storage was mixed being for containers, caravans,

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<sup>6</sup> TPO/2013/013

<sup>7</sup> TPO No 5/82

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- scaffolding, and general open storage. It was also used as a Goods Vehicle Operating Centre. There was discussion at the Inquiry about any restrictions on the use, but as the appellant indicated that he only had the physical capability at present to store containers up to three high I will take this as being the maximum extent in height terms.
28. The appeal application was accompanied by a Landscape and Visual Impact Assessment. The landscape character of the area has been assessed at national, county and district level. At national level it falls within the Northern Thames Basin, at county level in the Danbury Hill Character Area, and at the district level in the Woodham Wooded Farmland. The main parties disagreed over the sensitivity of the appeal site and its effects.
  29. Although the appellant sought to characterise the latter two documents as out-of-date, I do not think that this would be a fair description. Both describe the overall landscape and set out the character of the area. Neither of these aspects has materially changed in recent years.
  30. In the Essex Landscape Character Assessment the settlement pattern outside the historic linear villages of Danbury and Little Baddow, which are surrounded by woodland, is made up of small hamlets and individual farmsteads along lanes. At the District level, the area is noted as heavily wooded, with more open medium- to large-scale arable farmland around Bicknacre and the settlement pattern consists of small villages, hamlets and dispersed farmsteads. I consider that these descriptions accurately describe the area.
  31. In shorter distance views, although partially screened by the fuel depot, the bund and the vegetation along the southern boundary, the existing storage can clearly be seen above and through the vegetation, particularly from the right of way which runs between the southwest corner of the appeal site and Slough Lane. Although characterised as akin to a farmyard, the nature of the storage is more extensive and thus more intrusive than the farmyards I saw in the area. The stacking of containers cannot take place across the whole of the site as there needs to be room to manoeuvre the containers, but could cover more of the site than at present. The condition of the site is harmful to the generally rural character of the area. It is also harmful to the rural appearance of the area in that it is of a commercial, quasi-industrial nature seen from viewpoints around the site, including from a small number of nearby dwellings.
  32. It was suggested by the Council that the current use was reversible and in one sense it would be, in that the items stored on the site can, and are, moved on, off and around. But I do not think it would be right to characterise it as transient, since that presupposes that the use would cease, when that is obviously not the case as there would be no incentive for the appellant to do so. Awareness of the use may change as items are moved around, but this is likely to be at an almost imperceptible level, only seen by somebody who is looking for that change, unless there were to be a fundamental change in the way the site operates. For example, I am sure that the disposition of items stored on the appeal site changed between when I saw the site in July and again in November, but in overall terms the effect was very similar.
  33. Set against this would be the proposed development. Although an outline application with all matters reserved it is for 59 dwellings and a shop. For the

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purposes of considering the effects on the character and appearance of the area the shop can be considered as similar in size and effect to a dwelling. It is thus for a significant quantum of development and I do not consider that it could be described as a hamlet. Although the proposal would have a shop this does not have the wider range of facilities that are found in a village. I therefore conclude that the proposal would be out of keeping with the character of the area as described in the county and district landscape character assessments set out above.

34. The illustrative layout is just that, but shows development across the majority of the appeal site apart from the northernmost part of the northern arm. It is likely that there would not be built development in this area as it is in Flood Zone 2 of the Environment Agency's maps and there is a wayleave that needs to be kept clear. I therefore consider that it sets out a reasonable distribution for the development across the appeal site.
35. The illustrative layout shows a mixture of development styles and heights, but it was agreed that it would include two storey dwellings. These, with steeply pitched roofs to be in keeping with the character of built development in the area, would be taller than the stacked containers. Any layout pursuant to the reserved matters could involve the retention of the bund to minimise the effect on the area. It would be possible to ensure that landscaping along the southern boundary (and other boundaries) was increased, as providing close boarded fences as boundary treatments would be intrusive and out of keeping with the vegetated character of the perimeter of sites in the area. However, this landscaping would take a considerable period to become established, and apart from to the north, the proposal would not sit in a wooded setting.
36. The greater height of the proposed development would be spread across a more extensive portion of the site than at present. This would be harmful to the appearance of the area in that it would represent a more formal, domestic development. It is a matter of individual judgement as to whether a view out over a housing estate is "better" than over a commercial storage facility. I can understand local residents preferring the view over a housing estate, but this is more of a private view than a public view. I consider more weight should be given to the public aspects of the proposal, particularly from the south. Furthermore, it would represent a significant enclave of residential development rather than the sporadic development I have identified for the vicinity. It would thus be out of keeping with the pattern of development in the area.
37. From long distance views, such as from St Peter's Way, there would be little difference due to the separation involved. Currently the site is perceivable and this would increase slightly, but there would be little effect on the character or appearance of the wider area. In longer distance views alone, therefore, there would be compliance with Policies CP5 and DC2 of the FR in that the character and beauty of the countryside would be protected.
38. However, in overall terms, my view is that there would be harm to the character and appearance of the area but the increase in harm from the current situation would only be limited. Having said that the policy requirement in Policies CP5 and DC2 of the FR is that there should be protection which implies no harm; this would not be the case.

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### *Locational accessibility*

39. The Framework, in paragraph 34, notes that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport modes can be maximised. It is noted, however, that account should be taken of policies elsewhere in the Framework, particularly in rural areas such as here.
40. By redeveloping the site there would be a reduction in the Heavy Goods Vehicle (HGV) movements associated with the current use of the site, but it is likely that these activities would be re-provided elsewhere.
41. I was referred to a number of different documents providing information relating to pedestrians and how far they are likely to be prepared to travel by foot to get to facilities. None are mandatory or provide absolutes, but they do provide guideline distances. It is also common sense that the further a facility is from home the less likely it would be that an occupier would walk and rather would choose to use a car. In a similar way, if the pedestrian user of the route does not feel safe or secure, they are less likely to walk on that route than one which is more commodious. That a particular distance is beyond the 'maximum' does not mean that it would never be reached by a pedestrian; it is just that it would be less likely.
42. A number of the facilities which the residents of the development would use would be in Bicknacre, and I heard from a number of local residents who considered the site related more to that village than to Danbury. I would agree with this sentiment although the site is separate from both. The nearest facility in Bicknacre is the village store approximately 1.2 km away. However, as the proposal is to construct a shop as part of the development this would be a duplicate and any residents would be unlikely to use that facility for day-to-day convenience shopping. All the other facilities are further away, with the nearest primary school being 1.7 km away, the village hall the same distance, and the nearest public house 1.4 km away. All are such that they would represent at least a moderate distance to walk; not one which is close at hand.
43. Neither Hyde Lane south of the site nor the eastern part of White Elm Road has a footway. Pedestrians (including those using buggies or wheelchairs) wishing to gain access to the facilities in Bicknacre would either have to use the carriageway or the verge. I was not given any figures for traffic levels on these roads, but my impression on the visits to the area was that they were busy, including with HGVs, although if permission were granted those HGVs travelling to and from the appeal site would cease.
44. Opposite Hyde Croft there is a footway alongside Hyde Lane which connects to the north to a bus stop. To gain access to this footway the proposal was to use a recently constructed footpath from the northwest corner of the site, around the northern perimeter of the garden of Hyde Croft. Hyde Croft had been separated from this footpath by an approximately 1.8 m close boarded fence. I noted some domestic style lights on the footpath side of the fence and both ends were gated. The other side of the footpath drops down to a watercourse. While different people would perceive the suitability of the route differently, my impression was that this was not an attractive or safe route between the site and Hyde Lane as it appears isolated and not overlooked.



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45. Once on the footway on Hyde Lane, it was an approximately five minute walk to the bus stop, and this timing would be increased from any dwelling within the site. The footway is currently somewhat overgrown meaning that it is generally only possible to walk in single file. Even if cut back, it is not a wide footpath and would not encourage those accompanying small children to use it. Currently, there is a once-each-day each-way bus service to The Sandon School from the bus stop. While this clearly is of use to those going to and from the school, it would not provide a suitable service for many others.
  46. It would be possible to walk to the facilities in Danbury. However, the footway route is not direct as there is no footway along Hyde Lane north of its junction with Maldon Road which would reduce its attractiveness to pedestrians. The footway route along Maldon Road and Southend Road, and then back along Chelmsford Road (A414) increases significantly the distance involved so, in my view, it would be very unlikely to be used by pedestrians.
  47. For cyclists the routes would be more suitable, but they are not lit, and with the HGV traffic in the area my view is that they would only be suitable for the most committed. For the casual user the route would not be commodious.
  48. My overall impression was that due to a combination of the distance to the facilities in Bicknacre and Danbury, and the safety and suitability of the proposed routes for pedestrians and cyclists, those living at the site would be very unlikely to use non-car modes to get to the villages and their facilities. This means that the use of sustainable transport modes would not be maximised, contrary to the advice in paragraph 34 of the Framework, and this weighs very significantly against this proposal.
  49. The Council does not consider that the site is 'isolated' when considered against paragraph 55 of the Framework as clarified in the *Braintree* decision, and I would concur with this as there are dwellings in the vicinity. However, I do not consider that this necessarily assists the appellant as the question of whether a site is 'isolated' is a different consideration as to its accessibility.
  50. As part of the proposal two of the Planning Obligations propose matters to increase, as the appellant sees it, the locational accessibility of the site. The first commits to the construction of the shop which would sell a range of convenience goods, constructed prior to the first occupation of any of the dwellings, open for at least 40 hours per week and for a period of 10 years.
  51. The second Obligation commits to the construction and maintenance of the newly constructed footpath, to enter into an agreement with the Highway Authority to construct and maintain a Pedestrian Crossing across Hyde Lane from where the footpath emerges to the southern end of the existing footway, the provision of bus stop street furniture at the bus stops, on either side of the road at the junction of Hyde Lane and Maldon Road, and to enter into an agreement with a bus operator to ensure that there are a minimum of 10 services per day each way to Chelmsford for a period of 5 years.
  52. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) states a planning obligation may only constitute a reason for granting planning permission if the obligation passes three requirements. This is reiterated in paragraph 204 of the Framework. These requirements are that the Obligation is necessary to make the development acceptable in planning terms, that it is directly related to the

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development and fairly and reasonably related in scale and kind to the development.

53. While the provision of those matters pursuant to the Obligations would enhance the accessibility of the site, and provide enhancements to the existing population in the area, in my view they would not be such that the need to travel would be minimised and the use of sustainable transport modes maximised to an acceptable level.
54. While the provision of a shop would be beneficial it would only be of marginal effect. Firstly, the Planning Obligation does not set a minimum size. But even if it were of a suitable size it could only provide a small range of goods. The vast majority of trips to retail facilities would have to be away from the appeal site.
55. In relation to the footpath, I have already found that its location is such that it would not be an attractive or safe route, and thus the pedestrian crossing would not be of a material benefit as it would be unlikely that people would use it to cross the road. The provision of additional bus services would be of benefit, but the service would be in the order of an hourly service and thus could not be described as frequent, and beyond five years cannot be guaranteed. The development, of course, would be permanent.
56. As set out above, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is, *inter alia*, necessary to make the development acceptable in planning terms. The logic of this must be that if the obligation does not make the development acceptable it cannot be necessary. This means that the proposed mitigation would not change the weight to be given to the harm from the location of the site and this weighs very significantly against the development.
57. Policy CP2 of the CSDCP indicates that new development will make the best use of previously developed land and will follow a sequential approach to the sustainable location of development. The use of the term "sustainable location" leads to confusion with the term "sustainable development" in the Framework when the word "sustainable" has a different meaning. Consequently the word "sustainable" in Policy CP2 would be better understood as "accessible". The overall distributional approach of this policy remains consistent with the Framework and should be given full initial weight. While there is priority to the use of previously developed land, such as the appeal site, the location is such that the proposal would be contrary to this part of the policy and also contrary to paragraph 34 of the Framework as set out above.

#### *Affordable housing*

58. There was no dispute between the parties that the proposal needed to make provision for affordable housing and that this should be delivered at 35% of the total number of dwellings in line with Policy CD31 of the FR and the appellant offered a Planning Obligation to this effect. The need for affordable housing generally is discussed below.
59. The Planning Obligation finally made was somewhat different from that discussed at the Inquiry. It provides for not less than 35% (rounded upwards) of the dwellings to be affordable housing in accordance with the

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Affordable Housing Scheme. The Affordable Housing Scheme deals with the location, size, tenure of the properties and the Registered Provider. There is a restriction that no more than 50% (rounded up) of the open market houses can be occupied unless the affordable housing is ready for occupation and transferred or leased to a Registered Provider or the Council.

60. I am satisfied that the provision of affordable housing is necessary to make the development acceptable, directly relates to the development and fairly and reasonably relates in scale and kind to the development being permitted. Affordable housing does not represent infrastructure for the purposes of the CIL Regulations. The phasing requirements, coupled with any approval under the reserved matters, would ensure that the affordable housing is integrated within the overall layout to lead to a mixed and inclusive community. The delivery of a mixed and inclusive community is a social benefit that would weigh positively in support of the proposal and this will be included in the planning balance section below.
61. As such the proposal delivers the affordable housing necessary to make the development acceptable in line with Policy DC31 of the FR. It would also comply with paragraphs 50 and 204 of the Framework which emphasise the need to deliver sustainable, inclusive and mixed communities and as set out above.

*Development Plan status, housing land supply, benefits*

62. There was considerable discussion at the Inquiry as to the status of the development plan and whether the policies within it were up-to-date. Both the appellant and the Council agreed that the housing figure in Policy CP2 of the CSDCP was not up-to-date as it did not seek to deliver the objectively assessed needs for the area. However, the Council asserted that it could demonstrate a five year supply of land for housing (5YHLS) based on a recently produced (November 2016) Objectively Assessed Housing Need Study (the OAN Study) which has been drawn up to support the CLP. The appellant strongly disputed that the Council could demonstrate a 5YHLS. There were also disputes over the status of a number of other policies as to whether they were up-to-date, which I have dealt with above.
63. Policy CS1 of the FR post-dates the Framework and thus should be given initial full weight. As all parties agreed, in the event that relevant policies for the supply of housing were not to be considered up-to-date and/or the Council could not demonstrate a 5YHLS the tilted balance, set out in Policy CS1 of the FR and the fourth bullet point of paragraph 14 of the Framework, would apply. Depending on the extent of any shortfall, it would be necessary to determine the weight to be given to the benefit of any development. While this paragraph in Policy CS1 only refers to the Framework, it is clear that in making a determination it is necessary to consider all factors, not just those in the Framework.
64. Policy CP2 sets out a minimum increase of 14,000 dwellings (net) for the period 2001-2021 in accordance with various allocations. This figure was derived from the draft EEP rather than the approved EEP plan and is not based on any objectively assessed need for the area. Paragraph 215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to policies in the plan closer to those in the

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Framework. The overall spatial strategy of the development plan is based on this figure and is thus out-of-date. Having said that, its overall distributional approach, being based predominantly on seeking to reduce the need to travel, is in accordance with the Framework and those elements of the policy remain up-to-date.

65. As paragraph 47 of the Framework makes clear, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs (FOAN) for market and affordable housing in the housing market area (the HMA). It is thus necessary to conclude on what that FOAN should be. There was no dispute that the HMA consisted of the area covered by Chelmsford City Council as well as those of Braintree District Council, Colchester Borough Council and Tendring District Council.

#### FOAN

66. As a starting point it should be remembered, as the Planning Practice Guidance (the PPG) makes clear, establishing future need for housing is not an exact science<sup>8</sup> and there will not be a definitive answer. It is thus a matter of judgement as to the final conclusion. While one party may, as a matter of judgement, come to a different conclusion to another, this is not to say either is incorrect. What needs to be considered is whether the Council's approach is sufficiently robust and within a suitable margin for error.
67. The PPG indicates<sup>9</sup> 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. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing. The assessment will therefore need to reflect the consequences of past under delivery of housing. As household projections do not reflect unmet housing need, local planning authorities should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply.
68. The OAN Study was drawn up, it was stated by the Council, in accordance with the advice in the PPG. The November 2016 OAN Study indicates that the housing requirement should be set at 805 dpa from a 2013 base date. The appellant maintained that this did not take account of any shortfall from before that date and the figure should be increased to take this into account and there was insufficient attention given to other factors.
69. As regards any 'shortfall', the Courts in the *Zurich*<sup>10</sup> case made clear that a new local plan resets the clock and the appellant was not able to point to any material difference between the way the FOAN is calculated in the local plan process and that in a Section 78 appeal. It is necessary to go on the best evidence available which applies in both scenarios in reaching a conclusion. Any shortfall in the period of the adopted plan since its base date should be considered against adopted policy, not what might be future policy.
70. Secondly, and as importantly, the base demographic starting point projection, of 670 dpa, is derived from the DCLG Household Projections in accordance

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<sup>8</sup> Reference ID: 2a-014-20140306

<sup>9</sup> Reference ID: 21-015-20140306

<sup>10</sup> *Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority* [2014] EWHC 758 Admin

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with the PPG<sup>11</sup>. Those who have been unable to obtain housing in Chelmsford in the past will have had to go elsewhere, most likely elsewhere in the HMA as that is the point of an HMA. Some of these displaced households will therefore form part of the base household projections of the FOAN for those other districts elsewhere in the county. I was not shown anything to indicate that the FOANs for the other districts in the HMA would be reduced to balance the 'shortfall' in Chelmsford if those households moved back in. On that basis, as my colleague in the Sandpit Cottage<sup>12</sup> appeal found, increasing the base from any previous shortfall would represent "double counting".

71. In a similar way utilising the economic led approach as the starting point as suggested by the appellant, does not follow the PPG approach, and would involve double counting with the post-projection adjustment to take account of other factors, which I will consider below. In addition, I was shown nothing which indicated that there were specific local factors, as opposed to national ones, which would lead to a local need to amend the projection at this stage in the process.
72. While the PPG does indicate that adjustments can be made to household-based estimates of housing need<sup>13</sup> this relates to sensitivity testing, and any local changes need to be carefully explained and justified on the basis of established sources of robust evidence. In the past the Council had used surveys, but now relies on secondary data in line with the PPG<sup>14</sup>.
73. The earlier survey relied on in the predecessor to the OAN Study published in 2015 indicated a significantly higher number of concealed households. However, I am satisfied that this was a product of the questions asked, and in particular dealt with those people, predominantly young people, who would be expected to want to leave an established household and either set up on their own or within a shared household within the next 5 years.
74. The appellant criticised the Council for the period of 10 years trend in looking at household formation rates considering that it should be over a longer period, when higher rates applied. However, it seems to me that the 10 year period is reasonable as it follows sectoral guidance<sup>15</sup> being within the 10 to 15 year period; this falls within the overall consideration of judgement. Using a slightly longer period would be as valid, but the household formation rate has dropped nationally since 2001 and this is likely to be caused by a range of factors outside planning constraints. Using the 10 year trend also has the advantage in that it reduces any effects from Unattributable Population Change, which in any event is only of small effect, and I consider it appropriate.
75. The second concern was the extent of the uplift applied to take account of factors that the demographic projection does not capture, with the OAN Study looking at migration from London, future jobs and market signals. The Council found that the migration from London was not such to make a material difference. I concur it is within the margin of error from the other factors. The Council then looked at a jobs based model and at market signals

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<sup>11</sup> Reference ID: 21-015-20140306

<sup>12</sup> Land adjacent to Sandpit Cottage, Holybread Lane, Little Baddow, Chelmsford APP/W1525/W/15/3138723

<sup>13</sup> Reference ID: 21-017-20140306

<sup>14</sup> Reference ID: 2a-014-20140306

<sup>15</sup> Paragraph 6.24 Planning Advisory Service: Objectively Assessed Need and Housing Targets – Technical Advice Note (the PAS Guidance)

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and concluded that the larger (market signals) should be utilised as they 'overlapped'. On this basis it concluded that as a matter of judgement a 20% uplift from the demographic starting point should be used, giving rise to an FOAN of 805 dpa.

76. By using the larger of the two<sup>16</sup> the Council is essentially saying that one is a sub-set of the other; that the smaller is subsumed within the larger. The problem for the Council is that when it undertook its 2015 OAN Study the factors were the other way round with the jobs based forecast being larger than the market signals and it again used the larger.
77. It seems to me that while there will be a significant degree of overlap, this will not be total. The market signals uplift takes account of house prices, affordability and overcrowding including concealed households. It does not take account of the declining unemployment rate which falls within the job-based analysis. In addition, a proportion of those within concealed households, who contribute to the need for market uplift, will already have jobs within Chelmsford and addressing their need for a house will not help address the need for additional houses to provide for jobs growth. While the appellant disputed whether the rate used by the Council was realistic, the lower the unemployment rate the greater the economic activity rate and thus the need for new homes.
78. The witnesses to the Inquiry looked at different models to sense check the projections, and all used legitimate and respected sources. As such, I do not think it can be stated that the sources used by the Council can be considered to be inappropriate or outside the margin for judgement. Going into a detailed analysis of each model does not take us significantly further given that the overall purpose is to sense check a forecast.
79. There was also a dispute as to how affordable housing should be considered within the particular context of single person households. As paragraph 47 of the Framework makes clear affordable housing need is part of the FOAN and should not be added after the FOAN figure has been identified, as is incorrectly set out in Table 4.1 of the PAS Guidance referred to by the Council.
80. The annual need for affordable housing should be calculated in order to establish whether it is likely to be delivered from the market housing. As the PPG<sup>17</sup> states "total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."
81. This is a mixture of "policy-on" and "policy-off" matters, in that the affordable housing need will be "policy-off", but the consideration of whether that need will be met from market housing led developments is an effect of policy (the affordable housing percentage rate).
82. The Council has identified gross affordable housing need at 374 dpa. From this is deducted those single persons under 35 years of age<sup>18</sup> because of the

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<sup>16</sup> That is market signals and jobs based forecast

<sup>17</sup> Reference ID: 2a-029-20140306

<sup>18</sup> Unless they are in need for some other reason (e.g. disability, caring responsibilities)

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way that they are treated by the benefits system. This results in an affordable housing need figure of 175 households, which includes 65 single person households under 35. This then needs to be sense checked against existing policy requirement (35%). It was not disputed that this percentage rate was not deliverable. While smaller sites will not deliver affordable housing, by reverse calculation, to achieve 175 dpa at 35% of total housing would be 500 dpa. This is below all the figures given for total housing need and likely to be achieved in larger sites, and consequently there is no requirement to add any further housing to the total (market and affordable) housing need to deal with affordable housing need.

83. The appellant did not accept that there should be a discount and took the view that the annual affordable housing need should be 374 dpa. However, he took the view that this should be considered as part of the uplift rather than part of the base calculation. For the reasons set out above my view is that the affordable housing need should be considered as part of the FOAN and the deductions made by the Council are appropriate for the reasons it gave.
84. The appellant's view was that the uplift should be at 30% to take account of all the evidence and this equated to the highest rate of which the witnesses were aware applied elsewhere in the country. However, this was a matter of judgement too and was not based on any empirical evidence. My view is that because the jobs-based uplift and the market signals adjustment do not completely overlap, the overall uplift should be increased from 20%, which was the higher of the two figures, but not to 30%.
85. My overall conclusion is that to take account of both market signals and jobs-based growth the increase should be 25%. This means that the FOAN should be 834 dpa.

#### Housing Need

86. It was agreed that in the period 2013 to 2017 a total of 3,090 dwellings had been completed. At 834 dpa the requirement for this period should have been 3,336 dwellings, making a shortfall of 246 dwellings.
87. It was agreed that the Council had a record of persistent under delivery of housing and thus the buffer provided on top of the FOAN requirement should be 20%, and any shortfall resolved in the next 5 years (the Sedgefield method). This leads to a five year housing requirement of 5,299 dwellings.

#### Housing Supply

88. As regards housing supply there were disputes over a number of larger sites, and whether they should be considered deliverable in the relevant five year period, and whether a lapse-rate should be applied.
89. The appellant's main complaint revolved about the various housing trajectories set out in successive Annual Monitoring Reports published by the Council. As he saw it, it was only the forecast for the year of publication that was accurate with future years being overestimates of what would be delivered. The Council explained that it had re-approached forecasts for delivery since 2014, particularly engaging with those delivering the sites, but the appellant still pointed to the same issue, if at a smaller difference, in later Annual Monitoring Reports.

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90. Footnote 11 to paragraph 47 of the Framework sets out that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. 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.
91. As the recent Court of Appeal case of *St Modwen*<sup>19</sup> made clear it “does not mean that for a site properly to be regarded as ‘deliverable’ it must necessarily be certain or probable that housing will in fact be delivered upon it, or delivered to the fullest extent possible, within five years. As Lord Gill said in paragraph 78 of his judgment in *Suffolk Coastal*<sup>20</sup>, when referring to the policies in paragraph 47 of the [Framework], the insistence on the provision of ‘deliverable’ sites sufficient to provide five years’ worth of housing reflects the futility of local planning authorities relying on sites with ‘no realistic prospect of being developed within the five-year period.’” [my footnote]
92. For the three remaining large sites under consideration, the Council has approached those responsible for the development of the sites and they have confirmed that the sites will be deliverable. The appellant did not provide any evidence to counter this relying on assertions as to previous failure. Given this latest information I am satisfied that there is a reasonable prospect of these sites coming forward to the extent posited by the Council and no further deductions need to be made.
93. For the remaining sites, as footnote 11 of the Framework confirms, there needs to be clear evidence that the sites will not be implemented for them not to be included. I consider that this should be undertaken on a site-by-site basis and no such evidence exists. In any event, part of the point of the 20% buffer set out in paragraph 47 of the Framework is “to provide a realistic prospect of achieving the planned supply”. Therefore I am satisfied that no reduction, or lapse-rate, is necessary.

#### Conclusions on 5YHLS

94. I have therefore updated Table 2 to Mr Potter’s Rebuttal Proof as follows:

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<sup>19</sup> *St Modwen Developments Ltd v Secretary of State for Communities and Local Government, East Riding of Yorkshire Council & Save our Ferriby Action Group* [2017] EWCA Civ 1643

<sup>20</sup> *Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership LLP & SSCLG v Cheshire East BC* [2017] UKSC 37



	Mr Potter (using 20% buffer)	Inspector
Annual Housing Requirement (Dwellings)	805	834
Historic Shortfall from 2013/14 (Dwellings)	130	246
Paragraph 47 buffer @20%	831	883
Five Year Housing Requirement (Dwellings)	4,986	5,299
Annual Housing Requirement (Dwellings)	997	1,060
Five Year Housing Supply (Dwellings)	5,893	5,893
Years of Supply	5.91	5.56

95. Taking account of the increase in the uplift at 25% and the associated amendments to Mr Potter's figures would initially seem to point to a 5YHLS being able to be demonstrated.
96. However, this is not the end of the matter. Policy CP2 of the CSDCP indicates provision for a minimum of 14,000 dwellings (net) in the period 2001 to 2021 is to be made. This policy remains as adopted policy and part of the development plan. From 2001 to 2017 there had been 9,525 completions leaving 4,475 dwellings to be constructed in the period to 2021. This is a four year period, and in such a situation the "normal" approach would be to add (or "roll forward") an additional year at the adopted rate, that is 700 dpa<sup>21</sup>. It should be noted that this does not accord with national policy in that it is not an objectively assessed need, but is in accordance with the development plan. (To add the FOAN number for the fifth year would be mixing two differently derived and incompatible figures.)
97. Under this approach the housing requirement would be 5,175 dwellings, to which should be added the 20% buffer, so the total requirement would be 6,210 dwellings. Against the supply of 5,893 dwellings this would result in a 4.74 years supply and, as such in this scenario it was agreed the Council is unable to demonstrate a 5YHLS against the requirements of Policy CP2 of the CSDCP. I will discuss the implications of this further in the planning balance section below.

#### Benefits

98. The appellant emphasised a number of other benefits, including the removal of the existing storage use, which was seen as intrusive and changing, the additional planting, the removal of the HGV movements connected with the site, and the general tidying up of the development in the area. With the exception of the removal of the HGV movements I have considered them all above.

<sup>21</sup> As the 800 dpa found in the EEP is no longer part of the development plan.

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99. In relation to existing HGV movements to and from the appeal site, the Transport Statement accompanying the application dealt with traffic based on TRICS data rather than actual surveys at the site. However, the projected traffic was also based on TRICS data so there was a like-for-like analysis and using TRICS data for the existing use of the site allows for changes in how the site is precisely used.
100. The proposal would result in the reduction in movements from the site, and this would be beneficial to the character of the area in that it would result in smaller vehicles with their lesser effects. There are two options thereafter as to how this should be considered. Either, the activities on the site completely cease, in which case there would be harm through the loss of economic activity, or alternatively the activities relocate to other sites where the traffic movements would affect that area. Since which scenario would apply is not known, I am only able to give the benefits of the reduction in traffic movements in the vicinity of the appeal site very limited weight as they need to be balanced against either the loss of economic activity or the increase in traffic movements elsewhere.
101. In addition, the reduction in HGV movements would also improve the living conditions of those in the vicinity through a reduction in noise and disturbance, in particular the occupants of Hyde Croft. However, the appeal site is some distance from the dwelling itself. As stated above I have not been provided with traffic flows on the highway, and from my site visits I consider that this reduction is only likely to be marginal when compared to other traffic on the network. As such I can give this benefit only very limited weight.
102. The additional dwellings, including the affordable housing, would provide economic and social benefits economically during and post construction. The relevant affordable housing policy provision would be 21 affordable dwellings if 59 dwellings are provided in total. This is slightly above the policy requirement of 35%. I give these benefits significant weight.
103. While the proposal would represent the redevelopment of previously developed land, and this weighs in favour of the development, there is nothing in development plan or national policy that means that such land should be redeveloped. While Policy CP2 of the CSDCP does refer to making the best use of previously developed land, this is in the context of following a sequential approach to the sustainable (accessible) location of development. I have found that the site is not in such a location and as such the proposal would be contrary to this policy. As such I give this factor only limited weight in favour of the development.

### **Other matters**

104. A number of local residents attended the Inquiry and most gave support to the proposal, although the representatives of the Parish Council and another local group opposed the development. I have dealt with most of the issues raised above.
105. Some local residents expressed concern about the effect of the traffic associated with the proposal. The proposal was accompanied by a Transport Statement and was subject to consultation with the Highway Authority. In light of the Highway Authority raising no objection to the proposal I am

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satisfied that the proposal would not have a severe residual cumulative effect, which is the test set out in the Framework if development is to be prevented on transport grounds.

106. Concern was also expressed about local infrastructure, particular in relation to medical services. However, I have not been provided with any evidence, as opposed to anecdote, to indicate that appropriate provision could not be made by the appropriate authorities.
107. Currently the site is, essentially, covered in hardstanding, and if permission were to be granted the quantum of this would be reduced. I am therefore satisfied that subject to planning conditions, surface water could be dealt with satisfactorily so as not to increase flood risk.
108. Objection was made about the effect on air quality, but I was not provided with any further information on this issue, nor that this locality is at a particular risk. This issue therefore does not weigh against the proposal.
109. There was reference at the Inquiry to the Housing White Paper and the recently consulted approach to identifying housing need for the future. However, the former has yet to be brought into force through any changes in the Framework and the latter is subject to consultation. Consequently both can only be given very limited weight.

### **Planning Balance**

110. The appeal proposal is contrary to the development plan taken as a whole, particularly in the spatial strategy elements of Policy CP2 of the CSDCP and Policies CP5, CP15 and DC2 of the FR. Because the Council is not able to demonstrate a 5YHLS against the figure set out in Policy CP2 it is then necessary through the effect of the second bullet in the fourth paragraph of Policy CP1 of the FR to consider the proposal against the policies of the Framework taken as a whole.
111. With the exception of Policy CP1 of the FR, which does not deal with housing numbers, all of these development plan policies are out-of-date in that they are not in accordance with the Framework as they are not set out to deliver the FOAN for the area and therefore should be given limited weight in accordance with paragraph 215 of the Framework. As such the tilted balance set out in Policy CP1 of the CSDCP and paragraph 14 of the Framework will apply; these both refer to consideration against the Framework taken as a whole.
112. The Framework and Policy CP1 of the FR require the Council to demonstrate a 5YHLS against the FOAN. I have considered what the FOAN in the circumstances of this appeal should be and concluded that, while the housing need figure posited by the Council would not be robust, the Council is able to demonstrate a 5YHLS against a robust figure as I have identified above.
113. Although this leads to a situation whereby the Council cannot show a 5YHLS against the development plan but can against the FOAN this is a consequence of the change in national policies set out in the Framework. I consider that more weight should be given to the policies in the Framework as required by Policy CP1 of the FR and paragraph 215 of the Framework. In light of this, as the Council is able to demonstrate a 5YHLS against a robust FOAN figure, the tilted balance only need apply with limited effect.

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114. The appeal would produce significant benefits through the provision of market and affordable housing, and there would be very limited benefits to the locality and the living conditions of occupiers of nearby dwellings through the reduction in HGV traffic. In addition, there would be the limited benefit from the re-use of previously developed land. Set against this, the proposal would be harmful to the character and appearance of the area although this harm is of limited weight. Importantly, in the final balance, the location of the site is such that the need to travel would not be minimised and the use of sustainable transport modes maximised and I have given this harm very significant weight. This significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies of the Framework taken as a whole. As such the proposal would not represent sustainable development and the appeal should be dismissed.

**Conclusion**

115. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*RJ Jackson*

INSPECTOR

Richborough Estates

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## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Josef Cannon	of Counsel, instructed by Ann Coronel, Legal and Democratic Services Manager at the Council
He called	
Mr Simon Drummond-Hay MRICS ACIH	Director, HDH Planning and Development
Ms Christina Howick MA (Oxon) MSc (Econ)	Partner, Peter Brett Associates LLP
Mr Jeremy Potter MA MRTPI	Planning and Strategy Housing Policy Manager, Chelmsford City Council
Mr Mark Flatman BA (Hons) Dip LA CMLI	Director, Liz Lake Associates
Mr Matthew Perry BA (Hons) MSc MRTPI	Senior Planning Officer, Chelmsford City Council

### FOR THE APPELLANT:

Mr Vincent Fraser <sup>22</sup>	of Queens Counsel, instructed by Ms Ruth Reed
Assisted by	
Mr Michael Rudd	of Counsel
He called	
Dr Michael Bullock BSc (Hons) PhD MMRS MCIH	Managing Director, arc <sup>4</sup>
Mr Paul McColgan BA (Hons) MIED	Planning Associate Director, GL Hearn
Ms Ruth Reed ML PPRIBA	Director, Green Planning Studio Limited
Mr Matthew Green BA (Hons)	Director, Green Planning Studio Limited

In addition, Mr Steve Amman of Journey Transport Planning took part in the session of the Inquiry dealing with planning obligations and conditions on behalf of the appellant.

### INTERESTED PERSONS:

Cllr Daniel Carlin	Vice Chairman, Danbury Parish Council Planning Committee
Mr Mark Scofield	Chair, Hands Off Danbury (Unincorporated Association)
Mr Neil Hall	Local resident – who spoke on his own behalf and that of Mr Dean Ferguson (local resident)
Mr Graham Curtis	Local resident
Dr Lbignew Tovalski	Local resident

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<sup>22</sup> Mr Fraser did not appear on the final sitting day of the Inquiry with Mr Rudd taking his place, although Mr Rudd assisted Mr Fraser in other ways during the Inquiry.

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Mr William Hagan  
Ms Samantha Lunt  
Mr Warron Restall

Local resident  
Local resident  
Local resident

## INQUIRY DOCUMENTS

ID1	List of appearances on behalf of the Appellant
ID2	List of appearances on behalf of the Council
ID3	Statement of Common Ground (main)
ID4	Five Year Housing Land Supply Statement of Common Ground
ID5	Opening Submissions on behalf of the Appellant
ID6	Opening Submissions on behalf of the Council
ID7	Judgement in the Case of <i>St Modwen Developments Ltd v Secretary of State for Communities and Local Government and others</i> [2017] EWCA Civ 1643
ID8	Emails submitted by Council relating to site delivery
ID9	Evidence of Robert Davidson in relation to housing land supply relating to an appeal in Chichester
ID10	Application for Costs on behalf of the Council
ID11	Extract from Panel report into East of England Plan (December 2004)
ID12	Leicester & Leicestershire Housing and Economic Development Needs Assessment – Main Report and Executive Summary
ID13	Statement submitted by Cllr Carlin
ID14	Statement submitted by Mr Scofield
ID15	Appeal decision relating to Land West of London Road, Newport, Essex (APP/C1570/W/16/3166101)
ID16	Emails relating to provision of bus service and associated timetable
ID17	Appeal form concerning Enforcement Notice relating to the appeal site
ID18	Note submitted by Ms Howick relating to unemployment rates
ID19	List of HGV operators at the appeal site and numbers of vehicles
ID20	Closing submissions on behalf of the Council
ID21	Closing submissions on behalf of the Appellant
ID22	Response by the Appellant to the Council's application for costs
ID23	Application for Costs on behalf of the Appellant

## POST INQUIRY DOCUMENTS

PID1	Response by the Council to the Appellant's application for costs
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PID2	Email response by the Council relating to <i>Braintree</i> case
PID3	Response by Appellant relating to <i>Braintree</i> case
PID4	Planning Obligation by Agreement dated 28 November 2017 relating to affordable housing
PID5	Planning Obligation by way of Unilateral Undertaking dated 24 November 2017 relating to footpaths, bus stop and bus services
PID6	Planning Obligation by way of Unilateral Undertaking dated 24 November 2017 relating to shop
PID7	Note by the Council relating to Planning Obligations

Richborough Estates