

Appeal Decision

Inquiry held on 12-15 and 19 June 2018

Site visit made on 19 June 2018

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2018

Appeal Ref: APP/X1925/W/17/3187286 **Land off Luton Road, Offley, Hitchen**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd against North Hertfordshire District Council.
 - The application Ref 17/01781/1, is dated 11 July 2017.
 - The development proposed is 'Outline planning permission for up to 70 dwellings (including 40% affordable housing) new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.'
-

Decision

1. The appeal is dismissed and planning permission for up to 70 dwellings (including 40% affordable housing) new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS) is refused.

Preliminary Matters

2. In the heading above I have omitted the reference to the reserved matters since that is not an act of development.
 3. Following the submission of the appeal, the Council resolved that it would have refused the application for five reasons. As a result of a further resolution, the submission of additional information by the appellant and the completion of a unilateral undertaking (UU), the Council confirmed at the Inquiry that it did not wish to defend three of the initial reasons.
 4. The application was made in outline with all matters except access reserved for further approval. However, as well as a Site Location Plan and Site Access Plan, the application drawings included an illustrative Development Framework Plan (drawing number 3282/105 Rev A) and further illustrative material was submitted at the Inquiry. The appellant confirmed to the Inquiry that the 'new retail outlet/village facility' element of the scheme would be a retail outlet.
 5. The revised National Planning Policy Framework (the Framework) was published after the Inquiry closed. The parties were given the opportunity to comment on its implications. I have taken the comments received and the revised Framework into account.
-

Main Issues

6. The main issues are the effects of the proposal on the character and appearance of:
 - the site and the adjoining countryside;
 - the Great Offley Conservation Area and on the settings of the listed buildings in Westbury Farm Close.

Reasons

The Site and Adjoining Countryside

7. The appeal site adjoins, but sits outside the settlement boundary of Offley. In rural areas beyond the Green Belt Saved Policy 6 of the Council's District Local Plan No 2 (2007) (LP) seeks to maintain the existing countryside and villages and their character. It is common ground that the proposal does not fall within any of the categories of development allowable in rural areas under Policy 6 and, therefore, conflicts with that policy. I deal with the weight to be attached to the policy in the Planning Balance below.
8. The emerging Local Plan 2011-2031 (Proposed Submission October 2016) (ELP) designates the appeal site and surrounding area as Green Belt. Policy SP5 recognises the intrinsic value of the countryside, only allows proposals in the Green Belt where they would not result in inappropriate development, and operates a general policy of restraint in rural areas beyond the Green Belt. The application of Green Belt status to the appeal site is the subject of unresolved objections and the Council accepts that limited weight can be attached to this aspect of the policy and does not allege Green Belt harm. I agree with that approach. Nevertheless, both parties recognise that, even leaving Green Belt considerations to one side, the policy would restrain development in rural areas. Again, I deal with the weight to be attached to this element of Policy SP5 in the Planning Balance.
9. The application was supported by a Landscape and Visual Impact Assessment (LVIA)¹. This was updated in the appellant's landscape evidence and reviewed in the Council's landscape evidence. The findings are summarised in the tables at Inquiry Documents (IDs) 2 and 3. In part, the differences in the findings of the parties stem from disagreement over the definitions used by the appellant for landscape magnitude of change and effects and for visual sensitivity and magnitude of change². To an extent, these are matters of professional style and judgement. However, I consider that the similarities in the definitions used for substantial and moderate landscape effects create uncertainty over the category into which a given effect would fall. It also seems more appropriate to consider the extent of the view experienced under the heading of visual magnitude of change rather than sensitivity. Including it in both could lead to any constraints on the view being discounted twice over. Moreover, the definitions of visual magnitude of change set a high bar for establishing a significant impact. For example, 'medium' magnitude of change is defined as 'major changes over a large proportion of the view'. Taken together, these concerns suggest that the definitions used in the LVIA would result in a tendency to downplay landscape and visual effects.

¹ CSA Environmental dated June 2017

² Appendix F, tables LE2, LE3, VE1 and VE2 of the LVIA and Mr Self's Proof

10. Inquiry document 2 reviews specific landscape effects and identifies the differences between the parties. My consideration below is limited to those instances I regard as most relevant to establishing the overall effect of the proposal.
11. The appeal site is not a 'valued landscape' for the purposes of paragraph 170(a) of the Framework and the parties broadly agree that it is of medium sensitivity. However, both parties refer to the North Herts Landscape Study 2011 (LS), and it finds that the wider Landscape Character Area (LCA) of Offley-St Pauls' Walden, which includes the appeal site, is of moderate to high landscape and visual sensitivity and moderate high landscape value.
12. Amongst other things the LS considers the potential of the LCA to accommodate development. The appeal proposal should be regarded as a 'smaller urban extension' since the area of built development, as opposed to the total site area, would be less than 5ha. The LS finds that this form of development would not be appropriate due to the rural and undeveloped character of the area and the historic intactness of Offley-St Pauls' Walden. It goes on to find that the landscape capacity for smaller urban extensions would be low to moderate.
13. I recognise that Offley has expanded from its historic core and, as the North Hertfordshire Green Belt Review finds, is now a village of significant scale relative to its relatively remote location. However, the appeal site is undeveloped, open and primarily agricultural in character and is visible in a variety of short, medium and long distance views, including to and from the Chilterns Area of Outstanding Natural Beauty (AONB). Whilst it is bounded to the east by the existing built up area of Offley, the development pattern along that edge is irregular and, for the most part, fairly well contained by a mix of field boundary and domestic planting and fencing. The water tower and telecommunications mast, which the LS identifies as having a local visual impact, are located some distance to the north east of the site. To the south, Luton Road and the recent Garden Fields development provide a more consolidated edge, albeit one softened by roadside planting and the set back from the road of the Garden Fields houses. Although the A505 runs a short distance to the north of the site, it is in a cutting and the prevailing character of the areas to the north and west of the site is open and agricultural.
14. The proposed development of up to 70 houses would take up some 40% of the total site area with the remainder used for open space and landscaping. Nevertheless, in order to function effectively as open space, active management of that land, as well as footpaths and associated paraphernalia, would be required and this would inevitably distinguish it from the adjoining undeveloped agricultural land. Consequently, I consider that the urbanising influence of the proposed scheme would extend further than just the area proposed for built development. The built development itself would lead to the loss of the open, undeveloped character of the site. The proposal would, therefore, result in a high magnitude of change and a harmful effect on the landscape of the site and surrounding area which would be substantial initially, although moderating somewhat over time.
15. Consequently, I consider that the landscape character of the site and its broader setting offer limited capacity to accommodate an urban extension of the scale proposed. Nevertheless, the appeal site makes up a small proportion of the LCA

as a whole and therefore its effect on this broader landscape would be moderate at worst.

16. Whilst the alignment of footpath Offley 016 would not be altered by the proposal, for much of its length it would be bounded on both sides by built development. This would have an enclosing effect and considerably curtail the extensive views currently available. The footpath currently provides a direct route from the village into the countryside and appears to be well used. As such, I consider it to be of high sensitivity. It would experience a considerable change, leading to a moderate harm in the short and long terms.
17. The proposal would be visible from the AONB and Putteridge Bury Registered Garden. The settings of these statutory designations are of high sensitivity. The proposal would consolidate and bring the built up area of Offley closer to the viewer in both cases. However, given the distance between the designated areas and the appeal site, the degree of change would be low. The harm to designated landscapes would, therefore, be moderate in the short term and slight in the long term.
18. Inquiry document 3 reviews specific visual effects and identifies the differences between the parties³. My consideration below is limited to those instances I regard as most relevant to establishing the overall effect of the proposal.
19. The parties agree that the visual effect on VPs 1/B and 2/A from footpath Offley 016 would be substantial in the short term. For the reasons outlined above in respect of the landscape effects, I concur. However, I consider that the proposed landscaping, even when mature, would not make up for the loss of longer views to, for example, the AONB and the enclosure of the footpath by new buildings. As such, it would do little to mitigate the impact of the proposal the longer term and, therefore, there would remain a substantial adverse impact.
20. VP3 offers an opportunity to view the undeveloped countryside from within the built up area, indeed, from within the Conservation Area. The open element of this view would be largely closed off by the proposed development. The appellant appears to acknowledge this by categorising the magnitude of change from this VP as medium. Consequently, I consider that the resulting impact would be moderately harmful, rather than the slight effect found by the appellant.
21. The western edge of the built up area of Offley is visible on the periphery of VP5/N (eastern section of footpath Offley 021) and development on Luton Road can be glimpsed in the middle distance through vegetation. However the prevailing view is of an open, agricultural landscape which includes part of the AONB. The view is therefore, sensitive to change notwithstanding the proximity of the A505 road which is in a cutting at this point. The proposal would introduce built development over a significant proportion of this green open landscape. The extent of the proposed development spreading out into the countryside would erode the predominantly agricultural landscape, diminishing the quality of the visual and environmental experience both close to and at a distance for those out to enjoy a walk in the countryside or standing to appreciate a more long distance view, particularly towards the AONB. As the planting and open space to the north of the proposed dwellings establishes it

³ For the sake of convenience, I have adopted the alphabetic (Council) and/or numeric (appellant) viewpoint (VP) references used by the parties.

- would soften the effect to a degree. Nevertheless, the proposal would be far more prominent than the existing peripheral and glimpsed areas of development and would be seen as a significant intrusion of the built up area into the countryside. The erosion of the open quality and rural character of the landscape in this view would, therefore, have a substantial adverse impact. To my mind, the impact of the proposal on this VP shows that it would not, as the appellant argues, amount to 'rounding off' the settlement pattern.
22. From VP6/M (western section of footpath Offley 021) the houses in Meadow Way and Westbury Farm Close sit on the skyline and take up more of the view than in VP5/N. Garden Fields is also visible in the middle distance. However, these developments are well contained, and views are filtered by planting. As such, the existing built edge is not in particular need of additional screening. The water tower and telecommunication mast are prominent in this view, but are set away from the appeal site. The proposal would bring built development and, therefore, the built up edge of the settlement, considerably closer to the viewer. Again, the proposed planting and open space would somewhat soften the impact in the long term. Nevertheless, I consider that the proposed built development would intrude into the open, rural character of the landscape as seen from this location. It would, therefore, have a moderately harmful impact.
23. The filtered views of the built up edge of Offley are available on the skyline on the approach from the west along Luton Road (for example VP11/H). The appeal site sits in the foreground and its openness contributes to the setting of the settlement. The proposed development would break the skyline and bring closer and intensify the built up edge of the settlement as well as resulting in a loss of openness. Although the proposed village gateway would help to mitigate the impact, there would be a high degree of change in the short term, reducing to medium in the long term. Accordingly, the harm to views from this location would be substantial initially, although that would decrease in the long term.
24. The appellant argues that a number of VPs used by the Council are not representative of the view experienced in the direction of travel, particularly along footpaths. However, the footpaths are used for recreational purposes and it would be reasonable to expect people using paths to take in the full arc of views available.
25. The Council's landscape evidence introduces a number of VPs not included by the appellant. Whilst I agree with appellant that additional VPs do not necessarily equate to additional harm, it is helpful to consider the effect from Luton Road to the south of the site (for example VPs D, E, and F). The settings for these VPs take in built development, including Garden Fields, and the more established development at the junction of Luton Road and Luton White Hill. However, as with the views on the approach from the west, the appeal site appears as open, undeveloped land and, in breaks in the existing planting, offers longer distance views to the north, including to the AONB. It, therefore, has a greater affinity with the countryside than the built up area. The proposed development would introduce built development on the north side of Luton Road such that the VP would become within, rather than on the edge of, the settlement. Consequently, the proposal would close down longer distance views from this location and replace open views with built development, albeit screened by planting. This would result in a substantial adverse impact short term effect declining to moderate at the planting matures.

26. Again, this change indicates that the proposal would represent an extension of the built up area, rather than rounding off. In this respect, the proposal can be distinguished from the Garden Fields site which was surrounded by established development on three sides and Luton Road on the fourth.
27. The layout and appearance of the proposal are reserved for further approval. Based on the illustrative submissions, including the landscape parameters plan at ID11, I see no reason to suppose that the layout of the site and the appearance of the dwellings would be out of keeping with the character of adjoining residential development. Nevertheless, that does not outweigh my concerns regarding the proposal's wider landscape and visual impacts. The question of limiting the proposed dwellings to two storeys, rather than allowing some 2½ storey buildings was considered at the Inquiry. However, the landscape and visual effects set out above largely result from the introduction of built form at the site, rather than the heights of particular buildings. A relatively modest reduction in the height of some of the proposed buildings would not, therefore, materially reduce the impact of the proposal.
28. I have had regard to the Built Development Guidelines set out in the LS. Some of those guidelines are not directly relevant to the proposal and others could be addressed at the reserved matters stage. However, for the reasons set out above, I consider that the proposal would not accord with the aim of avoiding development in visually intrusive locations. Even if a subsequent reserved matters scheme complied with the more detailed aspects of the Guidelines, it would not overcome the broader concerns set out above.
29. Overall therefore, I find that the landscape and visual effects of the proposal would have a significantly adverse impact on the character and appearance of the site and surrounding countryside. As such, the proposal would conflict with LP Policy 6 and with ELP Policy SP5 to the extent that it seeks to recognise the intrinsic value of the countryside.

Conservation Area and Listed Buildings

30. The CA covers an extensive part of the core of Offley. It is common ground that it is of the highest heritage significance, which is primarily derived from the listed and undesignated historic buildings (including the former Methodist church on Luton Road) it encompasses. The appeal site adjoins and, in small measure overlaps, the north-western part of the designation. Nevertheless, the part of the appeal site within the CA is a largely featureless area of land adjoining the Offley Stores car park. As such, apart from its openness, the area contributes little to the heritage significance of the CA.
31. Rather, the appeal site contributes to the heritage significance of the CA through the setting it provides. This is found in its open agricultural character, historic association with the Grade II listed Westbury House and associated outbuildings⁴ and the views it affords into and out of the Area, including from the public footpath which crosses the site.
32. These views illustrate the countryside setting of the CA. Whilst, within the CA as a whole, there are other opportunities to experience the relationship of the village to its countryside setting, the views provided by the appeal site are particularly direct. Moreover, the recent Garden Fields scheme on the opposite

⁴ South, north and east barn ranges. A nearby dovecote is also listed.

side of Luton Road introduced built development on a former allotment site and, therefore, weakened the relationship between this part of the CA and its countryside setting. To my mind, these considerations reinforce the contribution that the appeal site makes to the setting of the CA, even when the asset is considered as a whole.

33. Westbury House and outbuildings derive their heritage significance mainly from the evidential value of their historic fabric and their illustrative value as, respectively, a 15th or 16th century open hall house and 18th and 19th century barns. There is also heritage value in their grouping and in their association with the agricultural character of the appeal site.
34. The evidential value of the listed buildings does not rely on the appeal site. They are no longer in agricultural use and, therefore, the functional association with the appeal site has been lost. A residual historic link remains by virtue of the appeal site forming part of the former agricultural land attached to the farm. A visual association also remains in views from the appeal site to Westbury House and the southern barn, albeit that it has been diluted by relatively recent intervening residential development in Westbury Farm Close. Although that development is in the style of agricultural outbuildings, it is unmistakably modern. Any remaining view from Westbury House to the appeal site would be oblique at best.
35. There is little or no inter-visibility between the appeal site and the east and north barn ranges and the dovecote. The group value of the listed buildings can be appreciated from locations within Westbury Farm Close and School Lane at least as readily as from the appeal site. As such, I consider that the appeal site makes a moderate contribution to the settings of Westbury House and the south barn and a negligible contribution to the north and east barns and the dovecote.
36. It is common ground that the former Methodist church should be regarded as a non-designated heritage asset. It is prominently located on Luton Road and there is clear inter-visibility between it and the appeal site. The building has been fairly sympathetically converted to residential use and makes a positive contribution to the character and appearance of the CA. However, there is no substantive evidence to suggest that its location on the edge of the built up area carries any significance or that it had any historic or functional relationship with the appeal site. I consider that the appeal site makes a limited contribution to its setting.
37. I have already found that the proposal would result in the loss of the open, undeveloped character of the appeal site and that, notwithstanding a that substantial part of the site would be retained as open space, including an area adjacent to the CA, the urbanising influence of the residential development would be experienced across the site as a whole. As such, the agricultural character of the land would be lost. The illustrative proposals include leaving gaps in the planting on the eastern and northern site boundaries to maintain views to, respectively, the listed buildings/CA and the countryside. Nevertheless, the open, direct views between the CA and the countryside would be almost entirely closed off. The proposal would, therefore, have a substantial adverse effect on this element of the setting of the CA. I recognise that the proposed open space would allow public access to part of the site adjoining the CA which is not currently publicly accessible. However Planning Practice Guidance (PPG) paragraph 18a-013-20140306 advises that the contribution which setting makes

to the significance of the heritage asset does not depend on there being public access.

38. The PPG also advises that the implications of cumulative change of the setting of a heritage asset may need to be taken into account, although neither the PPG nor the relevant advice of Historic England⁵ explicitly require this to be undertaken as a discrete exercise. I have already referred to the Garden Fields and Westbury Farm Close developments. No other potential cumulative changes have been brought to my attention.
39. The overall effect of the proposal on the heritage assets would fall within the less than substantial range for the purposes of Framework paragraph 196, although where it falls within that range is a matter of dispute. I have had regard to the case law⁶ on the meaning of 'substantial harm' to a heritage asset. However, as the appellant also argues, there is a clear dividing line between 'substantial' and 'less than substantial' harm and this is recognised in the differing ways that they are treated in Framework paragraphs 195 and 196. The 'less than substantial' range sets a distinguishably lower test.
40. The proposal would not have a direct effect on the historic buildings which are the main contributors to the significance of the CA. Moreover, the appeal site comprises a relatively small part of the setting of the CA as a whole. However, I have found that it makes a particular contribution to that setting and that the proposal would have a substantial impact on that contribution. Consequently, I find that the effect of the proposal on the heritage significance of the CA as a whole would fall in the middle of the less than substantial range. The effects of the proposal on the settings of the listed buildings and the Methodist church would be limited at most, but would add to the overall heritage impact.
41. The proposal would, therefore, conflict with Framework paragraphs 192 and 193 which require the desirability of sustaining and enhancing the significance of heritage assets to be taken into account and to give great weight to the conservation of the asset according to its importance. In this case, it is agreed that the CA is of the highest significance. The Framework is also clear that great weight to be attached to heritage harm irrespective of whether it is substantial or less than substantial. Paragraph 196 requires less than substantial harm to be weighed against the public benefits of the proposal. I do this in the Planning Balance below.
42. The second putative reason for refusal does not cite conflict with any development plan policies. However, both parties have drawn my attention to ELP Policy HE1 which requires proposals to secure the conservation and preserve the significance of heritage assets or their settings. The policy is recognised to be consistent with the Framework, although it does not reflect the balance required by Framework paragraph 196. Even if the policy is afforded limited weight, it supports my findings on this issue.

Planning Balance

43. At the Inquiry, the parties agreed that the District's housing land supply (HLS) is between 2.7 and 3.7 years and, therefore, that paragraph 11(d) of the Framework is engaged. The appellant has subsequently suggested that the Housing Delivery Test set out in the Framework should be applied immediately.

⁵ Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets

⁶ Bedford Borough Council v SSCLG and Nuon UK Ltd

However, paragraph 215 indicates that the Test should be applied after the publication of the Test results in November 2018. In any event, it is also agreed that, since the proposal would cause less than substantial harm to heritage assets, footnote 6 to paragraph 11(d) is applicable and, therefore, that the proposal should be considered without using the 'tilted balance' in the first instance.

44. The proposal would provide up to 70 new dwellings, of which 40% would be affordable. This level of affordable housing provision exceeds the 25% requirement set out in adopted development plan and the mix and tenure of the units would accord with the advice of the Council's housing officer. The affordable housing provisions would be secured through the UU. A specific need for affordable housing in Offley has not been identified and the Council refers to the provision of 16 units made in the Garden Fields development. Nevertheless, there is recognised to be a high level of need for affordable housing in the District and the provision of affordable housing is a Government policy priority. As such, I give the proposed affordable housing significant weight.
45. The provision of market housing is also a benefit of the proposal. The obligation to maintain a 5 year supply of housing land is a minimum, not a maximum requirement and that the Framework seeks to significantly boost the supply of housing and to identify opportunities for villages to grow. However, the weight to be attached to the benefit of the market housing must be considered in the light of the measures being taken to address the current shortfall in the HLS. Housing matters were considered in ELP examination hearings in November 2017 and the hearings ended in March 2018. The Inspector issued a note in April 2018 requesting further actions from the Council and there is nothing to suggest that he has concerns regarding the soundness of the housing strategy.
46. Framework Paragraph 214 confirms that the policies of the previous Framework will continue to apply to development plans submitted before 24 January 2019. Consequently, I am not persuaded that the publication of the revised Framework should delay the progress of the ELP.
47. The Inspector's report has yet to be published and there remain further processes, including public consultation, before the Plan is adopted. Nevertheless, the Council has taken steps to tackle the HLS shortfall and, whilst there is no guarantee that it will be addressed by the end of the year, there are reasonable grounds for expecting that it will be resolved within a fairly short time frame. That is likely to be before the first houses at the proposed development would be completed and to contribute to the housing supply. The appeal site would not be allocated for housing in the ELP and, indeed, would become subject to Green Belt designation.
48. Moreover, the scale of the proposed provision of up to 70 dwellings should be viewed in the light of the ELP requirement to provide 500 units per year in the period to 2021 and the other sources of housing made by sites in Offley. Some 73 units have already been provided in Offley in the ELP plan period and Policy SP2 allows for further growth in the settlement. Therefore, given the steps being taken to boost the supply of housing in Offley and the District as whole, I consider that the proposed market housing is not essential to resolving the shortfall in HLS in the short term. Having regard to the findings in the Phides⁷

⁷ Phides Estates (Overseas) Ltd v SSCLG, Shepway Council, David Plumstead

case therefore, I give moderate weight to the benefits of the proposed market housing.

49. The Council accepted at the Inquiry that the proposal would provide a net gain in bio-diversity. Therefore, it derives support from Framework paragraph 170(d). The proposed open space includes a locally equipped area for play. Its provision and maintenance would be secured through the UU. Whilst the area of open space exceeds the amount required by development plan policy, there is nothing to suggest that there is a lack of provision in Offley. Much of the open space would be publicly accessible and it would link to the existing footpath network. However, I have already found that the open space contributes to my concerns regarding the landscape and visual impacts of the proposal, including its effects on local footpaths. Consequently, I consider that the proposed open space would not provide an overall benefit.
50. The proposal would provide a range of economic benefits including construction spending and job creation and additional spending in the local economy and support for local services by future occupiers. Although these benefits have not been disputed by the Council, they would apply to new housing in most locations and, therefore, I give them moderate weight. The proposal also includes a site for a retail unit. However, there is no commitment to construct the unit, no operator has been identified and it has not been demonstrated that there is a need for additional retail provision in the village. Therefore, although the provision of the site would create at least the opportunity to increase local retail choice, I give limited weight to this benefit.
51. Whilst it is agreed that the appeal site is reasonably accessible to a range of local services and public transport, it is not in a town centre location and cannot be said to be highly accessible. As such, I give this consideration limited weight.
52. Overall therefore, bearing in mind the great weight and importance to be attached to any harm to heritage assets, I find that the public benefits of the proposal do not outweigh the harm caused to the settings of the CA and the Westbury Farm Close listed buildings.
53. Since the proposal does not meet the test set out in Framework paragraph 196, it is not necessary to consider the tilted balance in paragraph 11(d). Nevertheless, I have also found that the proposal would lead to significant adverse landscape and visual impacts. This adds to the considerations weighing against the proposal.
54. It is agreed that the LP is time expired and its housing supply policies are out of date. Reduced weight should, therefore, be given to conflict with these policies. Other policies should be assessed according to their consistency with the Framework. The appellant argues that LP Policy 6 should be given reduced weight since its requirement to 'maintain' the character of the countryside and its villages is not consistent, and is more restrictive, than Framework paragraph 170 (b) which seeks to 'recognise' the intrinsic character and beauty of the countryside. However, even if I were to find that the proposal's conflict with LP Policy 6 should be given reduced weight, it would not alter my overall conclusion under section 38(6)⁸. This is because I have found that there are no considerations which outweigh the harms that I have identified. The same consideration applies to the weight to be attached to ELP Policy SP5.

⁸ Planning and Compulsory Purchase Act 2004

Other Matters

55. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.
56. The appellant has submitted a UU. I have had regard to the relevant obligations in the Planning Balance set out above. However, since the appeal is to be dismissed for other substantive reasons, it is not necessary to consider in detail whether the UU meets the tests set out in the Community Infrastructure Levy Regulations 2010.

Conclusion

57. For the reasons set out above, the appeal should be dismissed and planning permission refused.

Simon Warder

INSPECTOR

Richborough Estates

Appearances

FOR THE COUNCIL

Suzanne Ornsby of Queen's Counsel, instructed by the Council's Solicitor

She called

Jonathan Billingsley MA(Oxon) BPhil CMLI Director, Landscape Partnership

Shaun Greaves BA(Hons) DipURP MRTPI Director, GC Planning Partnership

FOR THE APPELLANT

Christian Hawley of Counsel, instructed by Christopher Ball of Gladman Developments

He called

Gail Stoten BA(Hons) MCIFA FSA Heritage Director, Pegasus Planning Group

Clive Self Dip LA CMLI MA(Urban Des) Managing Director, CSA Environmental

Christopher Ball MRTPI Planning Manager, Gladman Developments Limited

INTERESTED PERSONS

Patricia Cowley Local resident

Inquiry Documents

1. Council's list of appearances
2. Jonathan Billingsley Proof Appendix 6
3. Jonathan Billingsley Proof Appendix 7
4. Appellant's opening submissions
5. Council's opening submissions
6. Photographs submitted by Patricia Cowley
7. Signed Unilateral Undertaking
8. Further submissions by Hertfordshire County Council regarding planning obligations
9. Revised list of suggested conditions
10. Additional suggested condition on development parameters

11. Landscape Parameters Plan CSA/3282/113 Rev A
12. Agreed Position Statement on Housing Sites in the Green Belt and Protected Area Status
13. Council's closing submissions
14. Appellant's closing submissions
15. Dated and Signed Unilateral Undertaking

Documents submitted after the Inquiry

1. Appellant's comments on the revised National Planning Policy Framework

Richborough Estates