



Appeal Decision

Inquiry (Virtual) Held on 27-29 September and 4-5 October 2021

Site Visits made on 7 and 8 October 2021

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/C1570/W/21/3272403

Mill Road, Henham, CM22 6AF

- 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 Southern & Regional Developments Ltd. against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0604/OP, dated 10 March 2020, was refused by notice dated 24 February 2021.
 - The development proposed is outline permission with all matters reserved except for access for the erection of 45no. dwellings at Mill Road, Henham CM22 6AF.
-

Decision

1. The appeal is allowed and planning permission is granted for Outline Permission with all matters reserved except for access for the erection of 45no. dwellings at Mill Road, CM22 6AF in accordance with the terms of the application, Ref UTT/20/0604/OP, dated 10 March 2020, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. In addition to the district Council and the appellant, Henham Parish Council attended the inquiry as a Rule 6 party (R6).
3. Prior to the opening of the Inquiry a Statement of Common Ground and an addendum were received. These had been signed on behalf of all three main parties. The R6 party did not provide a landscape witness and chose to rely on its evidence submitted in response to the planning application, and that of the Council's landscape witness. As such, the R6 was not a signatory to the separate Statement of Common Ground (SoCG) relating to landscape matters.
4. The planning application was submitted in outline for the development of 45 dwellings, with detailed approval sought for access. Details of layout, landscaping, appearance, and scale are all reserved matters to be determined later. The area of the site has been referenced as 5.17 ha in the Statement of Common Ground, yet in the Design and Access Statement and the illustrative and parameter plans the figure is 5.19 ha. For the avoidance of doubt the area of the site is that contained within the red edge accompanying the application.
5. The parameters plan, considered by the Local Planning Authority at the time that the planning application was refused, did not show the footpath link to Mill Road, nor proposed additional hedgerow reinforcement and planting to the north east and south west of the site. During the Inquiry a substitute

parameters plan 1123 002 Rev C was submitted which included these. All main parties were content to accept the amended plan. Following the Wednesbury principles, I do not consider that anyone would be prejudiced by my having accepted it as part of the appeal before me.

6. Consequently, the plans for which approval is sought are site location plan 1123 001 rev B, dated 6.3.20; the site access plan DR5 dated 25.9.19; and Parameters Plan (no. 1123 002 rev C) dated 30.9.21. I have treated all other plans submitted with the application as being illustrative.
7. The proposed development lies outside the settlement boundary of the village of Henham as defined by the Uttlesford Local Plan, adopted 2005 (LP). A replacement plan was withdrawn from the examination process in early 2020, and the latest emerging plan is at an early stage.
8. All parties are agreed that the Council is unable to demonstrate a five-year supply of deliverable housing sites. This triggers consideration of the appeal against paragraph 11d) of the Framework.
9. Interested parties have referred to the appeal site falling within the Green Belt and a Conservation Area. This is not the case.
10. Prior to the Inquiry the appellant submitted an Environmental Impact Assessment Screening Opinion. However, the Local Planning Authority had provided a brief screening opinion within the Officer's Report that was taken to planning committee. As such, no further assessment was required¹.
11. During the Inquiry reference has been made to the withdrawn local plan. As it has been formally withdrawn, any proposed strategy within it, or the Inspectors' response to it has no weight in my determination of the appeal which I have undertaken on the merits of the specific case before me and in the context of the extant current policy situation. Similarly, all main parties were agreed in line with paragraph 48 of the Framework, that no weight was to be attached to the replacement emerging local plan given that it was at a very early stage of production.
12. The Statement of Common Ground agreed that the Interim Climate Change Planning Policy document should be afforded limited weight.
13. During the Inquiry a signed planning obligation under s106 of the Town and Country Planning Act 1990 was submitted. This agreement with Uttlesford District Council and Essex County Council contains planning obligations relating to affordable housing; public open space and its management; education provision; residential travel packs; and the Council's costs and monitoring fees. A further supplemental agreement was signed between the parties on the 28th of October which I subsequently accepted. This clarified the definition of public open space. I deal with these in more detail below.
14. Due to broadband issues experienced by me on days 4 and 5 of the Inquiry, there were unavoidable interruptions to the inquiry which was being held as a virtual event. However, as, and when appropriate, I checked with the advocates and witnesses that the running of the Inquiry had not been compromised and that nothing had been missed. Further, at the end of the

¹ C2 Officer's Report UTT/20/0604/OP

Inquiry all advocates confirmed that this had been the case and, consequently, no party's case had been prejudiced by these technical difficulties.

Background and Main Issues

15. From what I have read, heard, and seen; I consider the main issues to be:

- whether the appeal site represents an appropriate location for the development proposed with particular reference to the council's development strategy; and
- the effect of the proposed development on the character and appearance of the village of Henham and the wider landscape; and
- whether the occupants of the proposed development would have appropriate access to facilities within the village and within the wider area without being dependent on the private car; and
- whether the proposal would result in an unacceptable loss of the best and most versatile agricultural land; and
- whether any development plan conflict and harm arising is outweighed by other material considerations.

Reasons

Location

16. I have been referred to Henham's position in the settlement strategy within the most recent withdrawn LP, and the quantum of development which was envisaged to be provided within these settlements on a district wide basis. As set out above I give no weight to this as it is not part of the development plan. Moreover, I cannot second guess what strategy is to be pursued as part of the emerging development plan. Consequently, Henham's place in the withdrawn strategy and the justification thereof, is irrelevant to the appeal before me.
17. The development strategy of the LP is to direct development to the main urban areas, the A120 corridor, selected Key Rural settlements, which includes Elsenham and Newport, and then to Other Villages, such as Henham, where limited development within the village is supported.
18. The appeal site lies adjacent to, but outside the development envelope of Henham as defined by the Uttlesford Local Plan, (LP) adopted 2005. Almost 90 dwellings have been permitted within Henham since 2012. Most of these have now been built and as such, there has been an almost 20% rise in the 2011 base number of dwellings within the village².
19. I am aware that outside the settlement, development would only be considered appropriate on 'exception sites'. Policy H3 relates to New Houses within Development limits. The appeal site is not within the development limits of the village. Consequently, the fact that H3 sets no cap on housing numbers is not relevant to the appeal before me. Moreover, the appeal site, which is an arable field of around 5.17 ha, cannot be considered to be infill development.
20. Policy S7 is relevant in implementing the spatial strategy of the plan by restricting development in the open countryside and thus restricting it to the settlements. Consequently, the appeal proposal for 45 dwellings falls to be

² PoE Gardener para 4.24

considered against Policy S7. This is generally agreed to have three strands: firstly, to identify land outside of the settlement limits, secondly, to protect the countryside for 'its own sake', and thirdly, to only allow development where its appearance protects or enhances the particular character of the countryside within which it is set, or if there are special reasons why such development needs to be in that location.

21. Consequently, I find there to be, in common with the appellant, an 'in principle' breach of Policy S7 of the LP with particular reference to development outside of the settlement limits. I address the impact on the character and appearance of the countryside below. However, I will consider the weight to be attributed to any conflict with the development plan, later in my decision.

Character and appearance

22. As the appeal before me relates to an outline application with all matters reserved other than the access to the site, the control of detailed matters of design would be within the gift of the Council, including landscaping. The parameters plan defines an area in which the 45 dwellings of up to two storeys, with a two and a half storey feature on key nodes would be located; the extent of the public open space and general amenity space; indicative locations for an equipped children's play area and an attenuation basin, together with the fixed location of the access. Consequently, it is possible to understand the impact of the proposed development, taking into account, the accompanying illustrative masterplan is just that.
23. A separate Landscape SoCG was provided, signed by both the Council and the appellant. This agreed that the appeal site does not lie within a 'valued landscape' as defined by paragraph 174 a) of the Framework. Nor does the LP attribute any locally defined landscape value to the site. Nonetheless, the village of Henham sits within a wide, open, landscape formally identified as the Broxted Farmland Plateau (BFP) within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments produced by Chris Blandford Associates 2006³.
24. I am aware that the LCA does not have the status of planning policy, nor is it a Supplementary Planning Document, but nonetheless it is agreed within the Landscape SoCG⁴ to be 'most relevant' to this appeal and, indeed is referenced within the appellant's own LVIA. As such, I find, like many other of my colleagues, it to be a useful tool in aiding my decision making in considering the impact of the proposed development, in the context of the main issue which I have identified.
25. The SocG also set out the extent of the visual envelope within which the site can be seen. Helpfully, it also provided a map of agreed viewpoints all of which I have visited during my site visits. In addition, it confirms, and it is a position with which I concur, that due to the intervening 20th century housing, the Conservation Area would not be affected by the proposed development⁵.
26. From what I have seen on site and from what I heard, the wider area is characterised by arable farming, large open fields and intermittent bands of trees and hedging with small areas of woodland. There are no significant hills,

³ CDJ6

⁴ CD J6

⁵ Landscape Statement of Common Ground: Section 2 Main Issues that are agreed.

but there are subtle but nonetheless pronounced changes in the topography in which the primarily arable landscape is framed. The nearby settlements or clusters of housing are linked by historic, narrow, sinuous roads which are rural in character with no street lighting nor pavements. Public rights of way criss-cross the landscape.

27. I note that there is dispute whether Henham is a nucleated or linear village. From my site visits, it appears that for the most part, the historic element of Henham, sits on a ridge of higher ground on an east west axis, with loose clusters around particular focal points, such as the Church, and tags of development running to the south. Swathes of grass and ponds, with development set back behind them, are characteristic of the village.
28. From what I was able to see, the historic core of the village has a predominantly open, treed, and expansive character with a myriad of pedestrian rights of way. However, there is minimal street lighting, and the footways are narrow and are not continuous, requiring crossing from one side of the road to another. There are small pockets of recent modern housing to the east of the village along the High Street, and Chickney Road.
29. Vernon's Close, which lies immediately to the north of the appeal site, together with other modern housing off School Lane and along Mill Road, have (OR HAS) extended the built form of the village to the south and west beyond the older elements of the village. These developments are largely suburban in character, with pavements and street lighting. However, whilst they are integrated with the village with other twentieth century housing fronting Mill Road to the north and west, visually, they are relatively self-contained due to the way in which Mill Road curves at a right angle towards the south and falls away from the higher ground.

Impact on the village

30. The southern entrance to the village is via Mill Road, which forms the western boundary of the appeal site. This is partially hedged on both sides, with some trees, none of which are important specimens, but which as a band of trees and hedging are consistent with the BFP, as identified in the LCA. As such, the trees and hedging make a positive contribution to the character of the area both in terms of the immediate context and the wider landscape.
31. The appeal site's northern boundary abuts the hard edge of the Vernon's Close development. A substantial hedged public right of way PROW 2 runs to the south of the site dividing it from the Planteria complex. To the east of the field, the land is not being actively farmed. A small area of amenity space, under the control of the Residents' Association for Vernon's Close, lies at its north western corner. However, I note that there is no public right of way through this.
32. The field is in arable production. It is not as large as some of the open fields on the other side of Mill Road, but forms part of the wider, sweeping 'big sky' arable landscape in which the village of Henham sits, and therefore is consistent with the BFP landscape characteristics.
33. Clearly, however sophisticated the design, there would be an unavoidable change to the character and appearance of a field which is under cultivation if it

were to be developed for housing and five trees removed to provide a suitable and safe access into a cul-de-sac development.

34. I note that the appellant has put forward several measures to help mitigate the impact of the proposed development with particular reference to layout. These include the siting of the built element of the low density development relatively close to Vernon's Close. Not only would this reduce the existing uncharacteristic, stark, urban edge to the countryside, but it would provide the opportunity to take advantage of the rise of the land, which plateaus out towards the south west, to include a significant amount of public open space to the south of the proposed housing.
35. There was discussion at the Inquiry as to how this open space would be landscaped. Such a matter is not directly before me. Nonetheless, some element of landscaping would be required, notwithstanding that PROW 2, which runs across the southern boundary of the site sits within two hedgerows. From the evidence I heard, I see no reason why it could not be undertaken in a manner consistent with the landscape characteristics defined within the BFP, relating to trees and woodland at the edge of settlements.
36. Much has been made of the height of the appeal site and its subsequent visual prominence. The north western corner of the site would be approximately at the same level as the housing at the entrance to the village, and some of the Vernon's Close housing. The rest of the site delineated for housing and the play area, including land close to Mill Road, would lie on higher ground, at a broadly similar level to the south eastern corner of Vernon's Close.
37. The housing along Mill Road, which forms the entrance to the village, sits within a slight dip in the land before it follows the incline up to higher land towards the older parts of the village, which is mostly on an east west axis. In contrast, the built development at the new entrance to the village would appear more prominent as it would be located across almost the whole depth of a field that rises up away from the village in a south easterly direction. Consequently, the extensive development surrounded on three sides by open countryside would extend housing into the open countryside, accentuating the southern extent of the modern development of the village.
38. With reference to the visual impact of the proposed development. I have considered the viewpoints closest to the village and both the impact on pedestrians and on passengers and drivers. I conclude, on the whole, in year 1, the development will make a substantial impact on localised views. There will be a change from an open field, which helps frame the village to one of the largest developments within the village, albeit built at a low density and with substantial areas of public open space located on higher land. The development of housing would not be 'novel' in this context, but it would still have an impact.
39. These impacts would be particularly experienced along Mill Road when entering and leaving the village and close to the site. I accept by year 15, planting will have started to mature within the low density development and around the boundary. This will include the plugging of significant existing gaps in the hedgerow, as well as the improvement of the hedgerow through active management. An impact on the character and appearance of the village would still remain. Nevertheless, I am confident that the housing would be read in the immediate context of the Vernon's Close development and the modern housing

along Mill Road and any harm to the village would be localised to immediately around the site. This is particularly the case given the agreed, limited primary visual envelope to the south of the site which only extends to the depth of the Planteria complex.

40. Reference has been made to the perceived harm to the landscape from the proposed equipped play area to the south of the housing., This should be viewed in the context of a built development, which whilst the illustrative masterplan has been represented as the appellant's 'best attempt', its landscaping and design would be under the control of the Council. As such, I have no concerns that the visual impact associated with children playing and play equipment would result in any significant harm to the character or appearance of the area.
41. Similarly, the effects of light from housing, and cars manoeuvring would be experienced in the context of the adjacent Vernon's Close development.
42. Taking into account the proposed mitigation put forward by the appellant and that the control of the detailed design and layout would be for the Council, including whether the farmstead pastiche approach is appropriate, and consideration of levels, I conclude that in the long term, as a whole, there would be limited, but nevertheless, residual harm to the character and appearance of Henham as a result of the development of the field for housing.

Wider landscape

43. As stated above, the proposed development would have an undeniable impact on the appeal site, the form of the village and localised views. Nonetheless, having walked the footpaths more than once, I am content that for the most part, the appeal proposal would have a limited impact on the wider landscape within the defined visual envelope. From many of the viewpoints, subject to appropriate planting and design controls, the development, if discernible, would read as part of the existing settlement, albeit one which had extended southwards.
44. The footpath from Old Mead Lane to Mill Road (PROW 16) approaches the appeal site directly from the west. On this particular part of my site visit when walking directly towards Henham, I noted that this element of the footpath network is particularly busy. I passed several recreational walkers, cyclists and parents walking home from school with their children.
45. The development would extend the depth of the field and almost two thirds of its length along Mill Road. However, there would be proposed improvements to the hedging, landscaping, and planting throughout the development, together with low density housing, set back away from Mill Road retaining the road side verge and hedging. Nonetheless, due to the curve of the footpath the suburbanising development of housing would be directly in view when approaching from the west. When the pedestrians were to come closer the view would be focussed directly into the unadorned entrance to the development.
46. The subtle, but nonetheless pronounced change in levels would accentuate the impact of the extension of the village to the south along Mill Road and detract from the setting of the village to the north. I have carefully considered the appellant's evidence and that of the Council's landscape witness, together with my own observations when I walked the PROW. As such, my judgment is that

in year 15, as a result of the proposed development there would remain a substantial adverse effect on the visual amenity of the users of the extensive and well used footpath PROW 16 when walking towards Henham. This would be particularly the case in the winter when deciduous trees would not be in leaf.

47. I have also been cognisant of the cumulative impact of the significant proposal that has been allowed at appeal in Elsenham⁶. However, I do not consider that both developments would be experienced within the same visual context.

Conclusion

48. I have found that even with the mitigation measures put forward by the appellant there would be harm to the character and appearance of both the village of Henham and the wider area. This harm goes beyond that which would of necessity result as the development of greenfield land for housing due to the location of the site and its topography. In coming to this conclusion, I have been informed by the LCA and do not dispute that the LCA, as a whole, would not be threatened and have carefully taken into account the landscape evidence. However, the harm to both the character and appearance of the wider landscape and village is localised but nonetheless real. As such, I conclude that, overall, there would be a moderate degree of harm to the character and appearance of the village of Henham and the wider area. Consequently, the proposed development would be in conflict with Policy S7 of the LP in relation to the protection or enhancement of the particular character of the countryside and would not be sympathetic to the local character and landscape setting, and therefore inconsistent with paragraphs 130 and 174b of the Framework.

Dependence on the private car

49. From what I understand there are few employment opportunities within the village. However, the appeal proposal would be well placed for residents to work at the Planteria nursery to the south of the site a point raised by Mr Anderson in support of the proposed development.
50. There is no dispute between the parties that Henham is a rural settlement served by a number of facilities including a primary and nursery school, a part time shop/ post office, the Old School Community Association Hall, the Henham and Ugley Sports and Community Hall, the Village Hall, Henham Tennis Club, St.Mary's Church, the Church Hall, The Cock Inn and a gym.
51. Helpfully, the distances of some of these facilities have been agreed. This is of particular relevance to gauging whether future residents of the proposed housing would be likely to walk to these facilities. Nonetheless, it has long been established that it is not necessarily the distance which is the main determinant of how or why a person chooses to walk somewhere, rather than drive. Consequently, whilst reference to distances is useful, they are not determinative.
52. I have been referred to the Manual for Streets⁷, as well as the IHT 'Guidelines for Providing Journeys on Foot⁸' relating to desirable walking distances of 400

⁶ ID7 (G3)

⁷ I2 p 45

⁸ I1 table 3.2

m⁹, walkable or acceptable distances of up to 800m¹⁰, and a preferred maximum of 1200 m¹¹, and 2000 m¹² which is considered to be the distance that offers the greatest potential to replace short car trips.

53. Both documents are relatively old as having been published in 2007, and 2000 respectively. Nonetheless, whilst I have been referred to a WYG study, 'How Far do People Walk', published in 2007, I am not convinced that this study which is based on the National Travel Survey undermines any of the rules of thumb set out within the MfS or indeed referenced within the IHT. This is because these figures are predicated on a self-selecting body of participants. Consequently, whilst the results may well be accurate and reflect a body of people who walk to destinations, they are not directly of relevance to a policy context where the objective is to encourage movement other than driving a car, in other words to promote modal shift.
54. I note that there is no direct route into the village other than via the pavement along Mill Road. It may be that in the future a link could be provided from the north eastern corner of the appeal site. However, from what was heard at the Inquiry, this would need the permission of the Residents' Association for Vernon's Close. Moreover, in contrast to the proposed pedestrian link to PROW 2 at the south western corner of the site, it has not been agreed as a condition, were the proposed development to be allowed.
55. Therefore, residents of the proposed development would have the choice of either accessing the facilities of the village via Mill Road, or by walking along PROWs 2 and 4 which are unimproved unlit footpaths. I have no quibble given the distance, that for parents, or carers, who chose to walk, rather than dropping off a child by car on the way to work, walking to the school or nursery would be a realistic option.
56. Similarly, given that church services, normally take place during daylight hours and on a Sunday where there is less time pressure, for those who wish to attend the services, walking to church would be an attractive choice.
57. I took the opportunity to visit the small shop which is manned by volunteers, and the post office. Whilst I have no doubt that it serves an important social function within the village and can provide for some day-to-day needs; including fresh bread and cakes. I noted that the selection of food and groceries was limited. Moreover, the opening hours of 9:00 to 13:00 and 14:00 to 16:30 Monday to Friday and Saturday and Sunday mornings, and 9:00-12:00 three days a week for the post office, are restricted and would not be convenient to those who work, even from home.
58. Given that it would take at least 10 minutes to walk there; the opening hours are restricted; and the range limited, it would not be a sufficiently attractive or convenient retail draw to satisfy people's day to day needs, or more realistically, their top up shopping. Consequently, it seems likely that residents of a development at the southern end of the village would jump in their car to a location which had a better selection of food and longer opening hours, such as the Tesco Express at Elsenham, or even Clifford's Country Grocers and Farm shop, which is to the south of Henham, or further afield.

⁹ ibid

¹⁰ I2 p45

¹¹ I1

¹² Withdrawn PPG 13

59. Clearly, from what I have heard and given the number of social and sports facilities within the village, as well as the Cock Inn PH, Henham has a rich social infrastructure. I am sure that there may be those who choose to walk to these venues, particularly when the days are long. However, during the winter months, when it is dark in the evening, in the absence of street lighting and as the footpaths within the older part of the village are narrow and unlit, and in places require crossing one side of the road to the other, pedestrians would not be encouraged to walk.
60. Therefore, I conclude that even if I were to accept that the 2 km metric referenced from the PPG 13 is the most appropriate by which to judge acceptable walking distances, the quality of the route and the draw of the destination is more important in determining if residents of the proposed development would be encouraged to walk to the village facilities.
61. Much discussion took place as to whether residents would cycle. I am content that cycling within the village would be a realistic option given the short distances. However, nothing was put forward to me that would suggest that the proposal would actively encourage this.
62. As requested, I drove the routes along the rural roads which lead to Henham.
63. In doing so, I would happily accept that in the daylight, cycling would be an attractive option to access those settlements and facilities within 5km of the site, albeit the rural roads are busy.
64. However, during the autumn and winter months, in the dark early hours of the day or late afternoon, given the lack of lighting and narrowness of the roads, and their sinuous nature, as well as the speed at which cars drive along the routes, I am unconvinced that cycling would be an attractive option. This is, of particular relevance to those who wish to commute from Elsenham by train.
65. I have taken into account the Strava data, as well as the crash data, which shows no recorded conflict with cyclists and the fact that Mill Road is part of a Sustrans 'on-road network not on the National Cycle Route' but note that it does not go to any sizeable settlement. Moreover, irrespective of whether the cyclists whose data has been shared, are athletes or not, this does not alter my conclusion, that committed or even, leisure, cyclists may well cycle during the daylight hours, including to Flitch Way, but that there is nothing within the proposal, or the nature of the location to suggest that residents of the proposed development would be encouraged to cycle rather than to drive.
66. The proposed development would be just over 400 m from a bus shelter. This is considerably closer than the 700 m distance from the proposed development at the Chickney Road to which I have been referred¹³. I understand that there may be some alterations to the timing and regularity of the bus services following the successful Elsenham appeal¹⁴. However, I have determined the appeal on the basis of the current situation, which is that the village is served by a bus service which runs from Stansted to Bishops Stortford, calling at, amongst other stops, Elsenham and Stansted Mountfitchet.
67. The bus service operates throughout the day into the early evening, with some gaps, and provides access to rail journeys into Cambridge and London Liverpool

¹³ G7 para 15

¹⁴ G3 para 74

Street, as well as employment opportunities and facilities in Elsenham, Stansted Mountfitchet and Bishops Stortford.

68. I note that many of the jobs at Stansted may be shift work and therefore would not be compatible with the standard office hours which the bus service reflects. However, there is nothing before me to suggest that as the district's largest employer, all employees at Stansted follow a shift pattern.
69. Consequently, from what I heard, it appears that the bus service provides a comparatively good service for a rural network with access to a number of sizeable settlements and employment opportunities, including at Stansted airport.
70. Nonetheless, it would be unlikely to compete on convenience or speed with the private car, with particular reference to grocery shopping. This is because to undertake a shop at a supermarket would involve a 40 minute bus journey and at least a 750 m walk. This would be wholly impractical.
71. A bus trip to Elsenham or Stansted Mountfitchet would seem more reasonable. However, there could be a long wait for a bus home and whilst it may be that residents would combine their journeys, for example with a trip to the GP's, it seems rather unlikely that this would be a common occurrence if undertaking a top up shop.
72. Consequently, for larger shops, residents of the proposed development, would either drive to a supermarket at Bishops Stortford or organise a home delivery. Whilst I accept that the home delivery may not be an environmental panacea, I am content that for large weekly shops, online shopping provides residents with the opportunity to access general grocery shops without needing a private car.
73. There is a free bus service to the Forest Hall secondary school. The 441 requires payment but provides access to alternative secondary schools. As such, notwithstanding the school may not be every parent's or child's first choice, or that there is a cost associated with the 441 service, I consider that these provide an alternative to the private car for secondary pupils.
74. Following the pandemic there has been a rise in working from home, whether this will continue to the same extent in the future is a moot point. Nonetheless, it seems that residents in Henham are more likely to work from home than the Uttlesford district average¹⁵. This may well be the case for residents of the proposed development. However, using the same data source, it appears that 65% of those who work are likely to drive there, and as there are few employment opportunities within Henham, even taking into account the Planteria business to the south, these journeys are likely to be out of the village.
75. I note that on the face of it that there is some tension between the conclusions drawn by my colleague who determined the Chickney Road appeal¹⁶ in 2020, and my colleague who determined the School Lane appeal in June 2017¹⁷. However, I note that accessibility concerns were a main issue in the Chickney Road appeal, and that the Highways Authority in that scheme, as in this, raised

¹⁵ PoE Ms McMullen Table 4.2

¹⁶ G7 para 15

¹⁷ G1 paras 60 and 61

concerns relating to overreliance on the private car due to the location of the proposed development. This was not the case in the earlier scheme where my colleague concentrated on highway safety matters, albeit the Rule 6 party in the earlier School Lane appeal had cited alleged conflict with Policy Gen1 (e).

76. Therefore, having heard the detailed evidence which was provided in response to the main issue that I raised, as well as my detailed site visit which involved visiting all the locations requested as well as driving the detailed routes which were provided, I am comfortable with my conclusion that the occupants of the proposed development would not have appropriate access to facilities within the village and within the wider area without being dependent on the private car.
77. In coming to this conclusion, I am aware that the Framework reminds one that there should be realism in differentiating between rural and urban locations when considering the opportunities to maximise sustainable transport solutions, and that the scheme was not considered to have significant environmental effects nor to be large enough to require a Travel Plan. However, whilst it is important not to judge rural schemes to the same standards as more urban developments, in smaller settlements with less public transport infrastructure, the adverse impacts of comparatively small scale development may be heightened. In the context of Henham, the development of 45 dwellings is significant whilst the numbers may be small in comparison to housing supply deficit¹⁸.
78. I have also taken into account that, on first completion, each household would receive a travel pack approved by the County Council setting out sustainable transport options and each resident would receive six one day travel vouchers.
79. These may well be successful in encouraging the occupants of the household to try public transport. However, they are a one-off action which is restricted to the first 45 households. Consequently, the long-term impacts are likely to be limited. I have carefully considered my colleague's response to the cynicism expressed about these in the Elsenham appeal. However, there is a difference with this scheme in that they were part of a wider package of a mix of measures set out within a Travel Plan which was to be actively managed¹⁹.
80. I also do not consider that the personal travel planning approach would be directly applicable to a rural settlement such as Henham, noting the examples cited by the appellant took place in more urban environments where there would be greater opportunity to find alternatives to the private car²⁰.
81. Lastly, great play was made of the fact that the development would be served by a pavement accessing Mill Road. I would concur with both the Council and the Rule 6 party that this is the minimum that could be expected. As such, it would not be consistent with the spirit of paragraph 112 a) of the Framework to prioritise pedestrian and cycle movement and to facilitate access to high quality public transport use, albeit, in a rural context the opportunities would be limited.
82. Similarly, the provision of electric charging points at each home, whilst clearly consistent with paragraph 112e of the Framework, would not in itself

¹⁸ Mr Gardner's POE para 5.6

¹⁹ G3 DL, para 78

²⁰ CD J13

encourage movement other than by driving a car, or impact on accessibility in any meaningful way, as it would solely enable the substitution of one fuel source for another.

83. Consequently, whilst I have found that residents would have ready access to schools either by walking or by bus, and that the settlement has a rich social infrastructure and that the rise of online shopping, particularly for weekly grocery shopping and working from home, will all go some way towards reducing the reliance on the private car. In addition, I have no doubt that in line with paragraph 79 of the Framework that new residents living in the village would in, however limited a way, enhance or maintain the vitality of the rural village. Nonetheless, I conclude taking all of the above into account that occupants would not have appropriate access to facilities within the village and within the wider area without being dependent on the private car. This would result in moderate harm. Therefore, the development would be in conflict with policy Gen 1 (e) of the LP as it would not encourage movement other than driving a car.

Best and most versatile agricultural land

84. Uttlesford district includes significant levels of high-quality agricultural land. The appeal proposal is for a quantum of development which would not necessitate a referral to Natural England. However, there would still be a loss of over 5 ha of Grade 2 agricultural land which is defined in the glossary of the Framework as best and most versatile land (BMV).
85. The appellant has provided a letter from the farmer referencing problems with the appeal site. It may well be that the field produces yields below par within the farm and that the proximity to housing precludes the use of organic matter. However, there will always be farmland that abuts housing. Consequently, whilst this juxtaposition of land use may contribute to lower yields from the particular field, such an argument could be rehearsed over and over again.
86. Irrespective of the above, Policy ENV5 of the LP requires the appellant when considering the development of such high grade BMV agricultural land to consider alternative sites. This has not been done. Given the relatively small size of the extent of the land which is to be lost, which nevertheless, makes a contribution to the country's food supply, I accord this limited harm. Nonetheless, there is a conflict with Policy ENV5.

Other matters

87. As part of my consideration of the appeal before me, I spent a considerable time walking the local footpaths, visiting local facilities, and driving along the local road network to familiarise myself with the area.
88. I am aware of the significant public interest in the proposed development from local residents, including from Henham and the nearby Stansted Parish Council, as well as those who spoke against the proposed development, as well as the Council's Planning Committee, to whose dedication in considering and determining planning applications I have been referred.
89. My attention has been drawn to, and indeed, I saw, that recently there have been a considerable number of developments, granted planning permission, within Henham and Elsenham. I note that the site has been found unsuitable as part of the 'Call for Sites' process. Nonetheless, determining a S78 appeal is a

fundamentally different scenario to the local plan process. In this instance, I have determined the appeal on the basis of the particular circumstances of the case at this time.

90. Whether the appellant intends to apply for further development is not within the remit of my determination of this appeal. In any case, if any further development was to be proposed it would require a separate planning application and be determined on its merits and in the context of the most up to date planning policy.
91. Concerns have been raised over highway safety and congestion, including cumulative impacts and congestion at Grove Hill, and pinch points within the wider road network such as at the Elsenham level crossing, North Hall Road and Ugley Green. As part of my site visits, I drove these routes and noted that the rural roads are busy, particularly at pinch points and within the older settlements, where the narrow streets with cars parked on street can result in traffic not flowing freely. However, the Highway Authority raised no objection on these grounds, subject to the appellant making a financial contribution to the provision of an enhancement scheme at Grove Hill to improve the working of the traffic signals and the installation of a vehicle activated speed sign on Mill Road to reduce the speed of traffic entering the village. I am also aware that the R6 party did not make this part of its case during the Inquiry.
92. I have also noted that the Planning Committee has begun to ask the County Council's professional representatives to attend their meetings and to explain their technical consultation response, as well as the fact that the Council like many others has declared a Climate Emergency. Nevertheless, in the absence of detailed technical evidence to demonstrate a severe impact on the road network as a result of the cumulative impact of the proposal, I see no reason to disagree with the County Council's highway experts.
93. Similarly, initial concerns relating to air quality matters raised by Environmental Health have been overcome by the condition to actively promote travelling other than by car, and the provision of electric charging points at each property.
94. I understand that, anecdotally, a number of species have been seen on the appeal site. Residents were worried about the impact of the proposed development on local wildlife. However, I draw comfort from the lack of objection from the Council's ecologist, the relevant conditions, together with the provision of extensive open space which will no longer be in active cultivation.
95. No technical objections have been raised in relation to flood risk, although I am aware of local concerns.
96. At the Inquiry I heard that Henham is, according to the Sunday Times, one of the 50 best villages in the UK. I was also made aware of the exemplary community cohesion within Henham. However, given the apparent strength of the social infrastructure and the number of facilities which I was able to see, in this instance, the introduction of another 45 households should be able to be successfully assimilated into the life of the village.
97. The planning obligation will ensure that a financial contribution is made for primary and secondary school places and no objection has been made by the

local health authority to suggest that the local GPs would be unable to take on more patients.

98. I am also aware of the potential issues raised by those living nearby relating to overlooking, loss of views and potential overshadowing as a result of the development. However, given that the proposal is in outline only and that detailed matters of design and layout will be assessed as part of the reserved matters application, I see no reason why the proposed development could not be delivered without adverse impacts on the living conditions of existing residents, including the residents of Vernon's Close whose properties back onto the existing open field, albeit the view currently enjoyed by residents will of necessity be changed. Nor would there be any reason for occupants of the new development to have substandard levels of light.
99. Matters relating to potential loss of value of any property is not a planning matter.
100. Any disturbance during the construction phase will be limited. Moreover, the construction management plan which I have conditioned provides additional controls to mitigate the unavoidable impacts.
101. Numerous appeals have been provided to me, most notably the School Lane appeal and the Chickney Road appeals both of which dismissed housing schemes at Henham. I have carefully considered the conclusions of both my colleagues but have determined the appeal on the basis of the site-specific circumstances and in light of the evidence I heard, and read, as well as my own planning judgment.
102. I have also carefully considered the various legal judgments to which I have been referred.

Planning obligation

103. A planning obligation has been made between the appellant, Uttlesford District Council, Essex County Council and the relevant title holders to the land.
104. The planning obligation includes the payment of monitoring fees of £5616 and £1650 to the district and county council, and the provision of 18 affordable dwellings consistent with Policy H9 of the LP; arrangements for and the delivery of public open space and sustainable urban drainage system to include a long term management plan and access scheme, to include transferring of the land to a Management Company and the retention of the Public Open Space for recreational use in perpetuity; a contribution of £17,268 index linked towards primary education, and £23,775 index linked towards secondary education; and the provision of a residential travel information pack and vouchers together with access to an online tool to generate personalised travel plans for each dwelling on first completion. These contributions are broadly consistent with Policies GEN1, GEN2 and GEN 6 of the LP. An attached plan sets out the extent of the proposed public open space to be retained in perpetuity.
105. I have been provided with a compliance statement setting out how the elements of the planning obligation meet the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended and paragraph 57 of the Framework. I am content on the basis of the information provided to me that all the contributions meet the test of necessity; are directly

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

Benefits

106. As a result of the proposed development, 27 market, and 18 affordable homes would be provided. It is agreed that the Council cannot demonstrate a five-year supply of deliverable homes. The most recent data suggests that the housing land supply is substantially deficient at 3.11 years²¹. Given that the Council withdrew its local plan in early 2020, and the most recent iteration of the plan is at a very early stage there is no immediate prospect of the housing supply situation being resolved through plan making.
107. The proposed development would provide 18 affordable homes. This would be policy compliant. Details of type and tenure will be determined at reserved matters stage. Nonetheless, all parties consider that this benefit should be accorded significant weight. All the evidence I heard supports this view and it is one with which I concur in a district where the average house price is 13 times the workplace base average earnings²².
108. Similarly, all parties are as one that the benefit of the additional market housing should be attributed significant weight. This is even if the development is not described as a locally driven scheme. Whether it is speculative or not, is irrelevant to the benefits to be accrued from additional housing. I am aware that the R6 party tempers this with a reference to the comparatively small contribution of the appeal proposal given the extent of the shortfall. Similarly, reference has been made to the fact that the Council has tried to address its housing supply issues via the local plan process, but that these have failed not 'for want of trying'²³, and that the Council's record of housing delivery has significantly increased over recent years. Nonetheless, the reality of the situation is that in the context of what remains a significant shortfall, and one to which there is no imminent plan led solution, the modest but nonetheless important contribution should be afforded significant weight. This is particularly the case as there appear to be a number of developers who are keen to take on the site and to deliver housing²⁴.
109. A 20% net gain in biodiversity is to be controlled by condition. There is no reason to suggest that this will not be realised. I therefore concur that this benefit, which is consistent with paragraph 179b of the Framework, should be accorded significant weight.
110. The appellant suggests that improvements to the local footpath network within the site and to connectivity to the village centre should be given moderate weight as benefits of the proposal. There are no substantive improvements which would result from the appeal other than a link to PROW 2 from the site and a pavement link to Mill Road, thereby avoiding the need to walk on the road for a short element of the route. Moreover, the pedestrian access to be provided does not provide a direct route closer to the village facilities than Mill Road. The proposed footways shown within the site on the illustrative layout may result in a pleasant walk. However, they would be for

²¹ Statement of Common Ground para 3.11

²² Appellant's Statement of Case, Appendix A

²³ ID20 Council's closing statement para 84

²⁴ Clews PoE, Appendix i

the most part enjoyed in the context of a low-density housing estate. As such, I consider that the benefits should be given limited weight.

111. The proposed development would result in significant levels of public open space (POS) to the south of the site. There is considerable uncertainty how this POS will be landscaped and therefore the extent to which it would make a positive contribution as useable public open space. I have not been referred to any evidence suggesting that there is a paucity of POS in the village. Moreover, as part of my site visit, I was aware that there are substantial areas of informal open space, as well as the amenity space around which Vernon's Close is built. The recreation ground to the north east of the site, is open to all. However, it is managed by the Residents' Association for Vernon's Close who retain the right to withdraw public access.
112. It would be possible to access the POS via PROW 2 as part of a wider walk, and the proposed equipped play area, open to all, would be make a positive contribution to the village. Nonetheless, the associated benefits would be tempered by its considerable distance from the rest of the village. As such, I accord the benefit limited weight.
113. The proposed development would soften the hard existing edge of the Vernon's Close on its southern boundary. However, it will result in the loss of an open field within the countryside which, as described above, will result in some harm. Consequently, I consider that this benefit should be accorded minimal weight.
114. The construction of the housing would result in a temporary but nonetheless, real positive economic impact from the economic activity associated with the building and landscaping of the site. It would also bring in new households to the village who may choose to spend monies within the village, or indeed neighbouring settlements. However, given my conclusions relating to the accessibility of the site to facilities, including the appellant's own evidence in relation to the levels of bus use, I consider this benefit to be limited. I have carefully considered the argument that paragraph 81 of the Framework should be directly read across, but do not consider it to be directly applicable, albeit sufficient housing is central to a strong competitive economy. Consequently, in line with my colleague at the Fairfield appeal²⁵ I accord the economic benefit of the proposal moderate weight.

Whether the proposal conflicts with the development plan as a whole

115. The Council is unable to demonstrate a five-year supply of deliverable housing land. Given that the agreed housing land supply position is 3.11 years, the shortfall is, at least, significant. In light of paragraph 11d) of the Framework and associated footnote 8, the absence of a five-year supply means that the policies most important for determining this appeal are deemed to be out of date.
116. Within the SoCG the Council and the appellant agree that policies S7 and Gen1(e) are the relevant saved polices of the development plan, whilst the Rule 6 party includes ENV 5.
117. Policy S7 is central to the determination of the appeal and is of direct relevance to whether the appeal site would be an appropriate location for

²⁵ G3 para 190

development with particular reference to the Council's development strategy. The protection of countryside for 'its own sake' is inconsistent with paragraph 174 of the Framework. However, there is a logic that in the specific circumstance of Uttlesford, where there is a plan which is both 'long in the tooth' and predicated on providing for a quantum of housing need which is no longer relevant, irrespective of the five-year housing land supply situation there is likely to be an unavoidable requirement to build on greenfield land and to breach the settlement boundaries.

118. Moreover, reference has been made to the fact that the Council has tried to address its housing supply issues via the local plan process, but that these attempts have failed not 'for want of trying'²⁶, and that the Council's record of housing delivery has significantly increased over recent years.
119. There is an improving, but nonetheless deficient housing supply situation with no imminent, plan led, solution on the immediate horizon. On the basis of the evidence I have heard, including the numerous appeals to which I have been referred, and the particular circumstances of the appeal before me, for 45 dwellings at the edge of a lower tier settlement as defined by the LP, I conclude the conflict with Policy S7, with reference to it defining land outside of the settlement strategy of the plan, should be accorded limited weight.
120. I then turn to the harm which I have found to the character and appearance of the wider area. Unlike the School Lane Inspector who was determining different appeals on a different site, albeit close to the proposed development, I have come to the conclusion that there would be residual harm. The third element of Policy S7 of the LP remains consistent with the objectives of the Framework in relation to recognising the intrinsic character and beauty of the countryside. Consequently, on the basis that I have concluded, as a whole, there would be moderate harm to the character and appearance of the village of Henham and the wider landscape as a result of the impact of the proposed development, moderate weight should be accorded to the conflict with the last aspect of policy S7.
121. I have established that, in my judgement, the occupants of the proposed development would not have appropriate access to facilities within the village and wider area without being dependent on the private car. All parties agree that criterion (e) of Policy Gen 1 of the LP, which is to encourage movement by means other than driving a car, is consistent with the objectives of the Framework, a position from which I have no reason to demur. Therefore, as reminded by paragraph 105 of the Framework, having taken into account the relatively limited opportunities to maximise sustainable transport solutions in rural areas, I nevertheless, conclude that significant weight should be accorded to the conflict with Policy Gen 1 (e) of the LP.
122. The proposed development would be located on Grade 2 BMV agricultural land. As such there would be an, in-principle, conflict with Policy ENV5 of the LP. However, this policy requires applicants to undertake a sequential approach considering poorer quality agricultural land, or previously developed land, or land within settlement limits before building on BMV agricultural land. Such an approach is not consistent with the Framework as the application of the sequential test is restricted to significant releases of agricultural land as part of plan making. Nonetheless, when determining planning applications paragraph

²⁶ ID20 Council's closing statement pars 84

174b) of the Framework does require the economic and other benefits of the BMV agricultural land to be recognised.

123. The loss of agricultural land will be in the context of a rural district where much of the land is of high agricultural quality. Consequently, and as it has been accepted by the Council that some of this will need to be lost to development, in the circumstances of this particular relatively small field of around 5 ha, I conclude that limited weight can be given to the conflict with policy ENV 5 of the LP.

124. Consequently, I conclude on the basis of the conflict with the policies outlined above that the proposed development would conflict with the development plan as a whole.

Planning balance and conclusion

125. It is common ground that the tilted balance set out within paragraph 11d of the Framework has been triggered. However, whilst there may be more than one mechanism for it to be triggered, it can only be done once.

126. Limb di) is not engaged as there are no relevant areas or assets of particular importance that provide a clear reason for refusing the development. Therefore, I must consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

127. In other words, permission should be granted unless the presumption in favour of sustainable development can be displaced. That is not to say, however, that any conflict with relevant policies should be disregarded.

128. As set out above, I have concluded that the conflict with Policy S7 in as much as it controls development outside of settlement boundaries should be accorded limited weight. However, in respect of the objectives of the Framework, in relation to recognising the intrinsic character and beauty of the countryside, this conflict has moderate weight.

129. The loss of BMV land and conflict with policy ENV5 should be given limited weight.

130. Policy Gen (1) e is consistent with the Framework, as such I conclude that significant weight should be attached to the proposal's conflict with this policy.

131. I have already concluded that the benefit of the 45 new dwellings should carry, at least, significant weight; and that significant weight should similarly be given to the benefit of the 18 new affordable homes, as should the 20% gain in net biodiversity.

132. I have accorded moderate weight to the temporary and permanent economic benefits of the proposal.

133. The benefits of the improvements to the pedestrian network and the provision of public open space, including an equipped play area should both be given limited weight. Lastly, the benefit of the softening of the boundary of Vernon's Close engenders minimal weight.

134. Nonetheless, having carefully taken all the above into account, my judgment is that the adverse impacts of the proposed development would not

significantly and demonstrably outweigh the benefits. As such the proposed development would be sustainable development which is a material consideration of very substantial weight and importance in favour of the appeal.

135. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, I conclude that the material considerations of the appeal are such as to outweigh the conflict with the development plan.

Conditions

136. Conditions 1-3 set out the standard time limitations for an outline planning permission. Condition 4 clarifies the relevant plans for the outline permission. Conditions 5-7 and 17 ensure that ecological considerations are properly protected, and that biodiversity net gain is achieved. Criterion 8 reflects the need for archaeological assessment of the site and subsequent recording. Condition 9 is required both to manage the construction phase of the development, including environmental protections, but also to protect the amenity of local residents. Conditions 10 and 16 relate to the control and maintenance of surface water drainage of the site. Condition 11 is required to ensure that the design and layout of the housing meets set accessibility standards. Conditions 12- 15 are necessary in relation to highway safety, and the promotion of alternative ways to travel. Lastly, condition 18 is required to support a move to low carbon transport and to improve air quality.

Conclusion

137. For the reasons given above I conclude the appeal should be allowed.

Louise Nurser

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Ashley Bowes of Counsel.

Instructed by Mr Andy Butcher of Strutt & Parker

He called:

Ms Rachel Bodiam
BSc (Hons), Dip LA, CMLU

Head of Landscape Design and Planning,
Southern Ecological Solutions Strategic Ltd.

Ms Kirsty McMullen
Meng, MIGHT

Director, KMC Transport Planning

Richard Clews
BA (Hons), Dip TP, MRTPI

Senior Associate Director, Strutt and Parker

FOR THE LOCAL PLANNING AUTHORITY:

Mr Asitha Ranatunga of Counsel.

Instructed by Ms Ann Howells, Performance and Business Manager, Uttlesford District Council

He called:

Mr Graeme Drummond
BSc (Hons), DipLA, CMLI, FARBORA

Principal Landscape Architect, Open Spaces
Landscape and Arboricultural Consultants
Ltd.

Ms Alison Hutchinson
MRTPI

Partner at Hutchinsons

FOR HENHAM PARISH COUNCIL:

Ms Jenny Wigley of Queen's Counsel.

Instructed by Mr Geoff Gardner of Gardner Planning

She called:

Mr Simon Watts
Bsc (Hons) C Eng MICE MCIHT

Director, SW Transport Ltd

Mr Geoff Gardner,
MSc, MRTPI, DMS, Chartered Town
Planner

Director, Gardner Planning

INTERESTED PARTIES:

Mr Mark Fisher	Resident and Henham Parish Councillor
Cllr Petrina Lees	Deputy leader of Uttlesford District Council and Ward Councillor for Elsenham and Henham
Mr Derek Brown	Chair, Residents Association for Vernon's Close
Mr Anderson	Chairman of Planteria Group

Richborough Estates

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Extract of policies and supporting text from Uttlesford Local Plan adopted January 2005
- ID2 Strava: Henham Segment data; Crash Map data: Personal Injury Collision Data Henham (5 years)
- ID3 Opening statement on behalf of the appellant with appearances appended
- ID4 Opening statement on behalf of the Council with appearances appended
- ID5 Opening statement on behalf of the Rule 6 party (Henham Parish Council)
- ID6 Statement by Mark Fisher on behalf of Simon Lee and the Parish Council
- ID7 Site location of 'Fairfield appeal' referenced as CD G3 ref: 3243744
- ID8 Parameter plan of 'Fairfield appeal' referenced as CD G3 ref: 3243744
- ID9 Bundle of plans and documents relating to decision of Essex County Council to refuse application to add a public footpath to the Definitive Map and Statement
- ID10 Statement made by Derek Brown
- ID11 Parameter plan 1123 002 Rev C dated 30/9/2021es.
- ID12 SSE (30 09 21) Biodiversity net gain note
- ID13 Statement by Cllr Lees
- ID14 Photograph submitted by Mr Anderson with his statement
- ID15 Statement by Mr Anderson
- ID16 Rule 6 proposed amendments to proposed conditions
- ID17 Appellant Conditions with Rule 6 amendments with LPA comments
- ID18 List Wavendon Properties Ltd v Secretary of State of Housing Communities and Local Government and Milton Keynes Council [2019] EWHC 1524 (Admin) (14/05/2019) of appearances on behalf of Henham Parish Council
- ID19 Closing submissions on behalf of Henham Parish Council
- ID20 Closing submissions on behalf of the Council
- ID21 Closing submissions on behalf of the appellant.
- ID22 Email from appellant, dated 6 October 2021, including list of local facilities to be visited and map of bus route
- ID23 Email from Henham Parish Council, dated 1 October 2021, including two additional routes for site visit: walking tour of village and driving tour of environs

Schedule of conditions (18 in total)

1. Approval of the details of layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
2. Application(s) for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - site location plan 1123 001 rev B dated 6.3.20
 - the site access plan DR5 dated 25.9.19
 - Parameters Plan (no. 1123 002 rev C) date 30.9.21
5. No development or groundworks shall commence prior to the local planning authority being provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England; or
 - c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
6. Prior to commencement of development, a Biodiversity Enhancement Layout and scheme providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment, Biodiversity Statement and Mitigation Plan (Southern Ecological Solutions, July 2020) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and timetable to achieve as a minimum a metric of 20% biodiversity net gain. All features shall be retained in that manner thereafter.
7. If development does not commence within 18 months from the date of the survey results in the Ecological Impact Assessment,

Biodiversity Statement and Mitigation Plan (Southern Ecological Solutions, July 2020), the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i. Establish if there have been any changes in the presence and/or abundance of bats and;
- ii. Identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

8. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork as detailed in the mitigation strategy and which has been signed off by the local planning authority through its historic environment advisors.

The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

9. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) Safe Access and vehicle routing
 - b) Hours of operation and deliveries, site office locations, and storage of materials details.

- c) Vehicle parking, turning, and loading arrangements.
- d) Construction Traffic Management Plan.
- e) Construction Dust Management Plan including wheel washing measures to control the emission of dust and dirt during construction including on the public highway.
- f) Waste management plan.
- g) Measures to limit noise and vibration from construction activities.
- h) Risk assessment of potentially damaging construction activities.
- i) Identification of "biodiversity protection zones".
- j) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- k) The location and timing of sensitive works to avoid harm to biodiversity features.
- l) The times during construction when specialist ecologists need to be present on site to oversee works.
- m) Responsible persons and lines of communication.
- n) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, to accord with the enhancement measures set out in Section 5, Table 6 of the Ecological Impact Assessment, Biodiversity Statement and Mitigation Plan (Southern Ecological Solutions, July 2020).
- o) Use of protective fences, exclusion barriers and warning signs.
- p) A scheme for early structural planting (if required).
- q) Measures to provide temporary localised surface water run-off management systems for construction stage activities.
- r) A soil management plan for construction stage activities.
- s) A Bird Hazard Management Plan (BHMP) to minimise the risk of birdstrike.
- t) Confirmation that the proposal will achieve a bio-diversity net gain of at least 20% based on Metric 3.0

The development must be carried out in accordance with the approved CEMP.

10. Prior to the commencement of the development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, taking into account the proximity to Stansted airport and the need to avoid birdstrikes shall be submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. If infiltration is found to be viable then the scheme should be updated accordingly. If partially viable then infiltration should be utilised as much as possible.
- b) Limiting discharge rates to 1.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- e) Final modelling and calculations for all areas of the drainage system.
- f) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented in accordance with the approved drainage scheme prior to occupation of any dwelling.

- 11. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 12. Prior to commencement of the first dwelling details of a footpath of a minimum of 2m width shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall connect public Right of Way PROW 25/2 with the footway into the village as shown in principle on drawing number 004 rev A Illustrative Masterplan. No

dwelling shall be occupied until the approved footpath is made available.

13. Prior to occupation of any dwelling, the access provision as shown on submitted drawing DR5 shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 59 metres to the north and 2.4 metres by 123 metres to the south, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter. Access works shall include:
 - Provision of footway minimum width 2m between proposed access and the existing footway to the north as shown in principle in drawing number DR5;
 - Provision of a vehicle activated speed sign on Mill Road to encourage the reduction of speed, the specification and location to be agreed with the highway authority.
14. Occupation of dwellings shall only take place in line with a timetable for implementation and delivery of the provision of a signal enhancement scheme at Grove Hill Junction. The scheme to be approved shall include a timetable for implementation and a detailed delivery plan, to include the number of dwellings which can be occupied prior to the implementation of the Grove Hill Junction. This is to be submitted to and approved by the LPA. The scheme shall include additional wireless vehicle detection and adjustment of signal times as necessary shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, all equipment to be TOPAS (Traffic Open Products and Specifications) approved.
15. Prior to occupation of the first dwelling the Developer shall have prepared and agreed with the LPA the provision and implementation of a Residential Travel Information Pack per dwelling for sustainable transport, to include six one day travel vouchers for use with the relevant local public transport operator. The Pack shall be provided to each dwelling at first occupation.
16. Prior to occupation of the first dwelling a maintenance scheme shall be submitted to and agreed, in writing, by the Local Planning Authority. The maintenance plan, detailing the drainage maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. The scheme shall be implemented before occupation of the first dwelling. Should any part of the system be maintainable by a maintenance company, details of long-term funding arrangements should be provided. The Surface Water Drainage System shall thereafter be maintained in accordance with the approved plan and the applicant or any successor in title shall maintain yearly logs of maintenance in accordance with the approved Maintenance Plan. These logs must be available for inspection upon a request by the Local Planning Authority

17. Prior to occupation of the first dwelling, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall include a schedule of implementation. The scheme shall identify those features onsite that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

18. Prior to occupation of each dwelling, the dwelling shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready for first use and retained for occupant use thereafter.