



Appeal Decision

Inquiry held on 8-11, 16 and 18 October 2024

Site visit made on 7, 10 and 14 October 2024

by R Catchpole BSc (hons) PhD MCIEEM IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2024

Appeal Ref: APP/W1525/W/24/3345164

Field North of Montpellier Farm, Main Road, Little Waltham CM3 3PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Opus Little Waltham Developments Ltd against the decision of Chelmsford City Council.
- The application reference is 23/01787/FUL.
- The development proposed is described as the "erection of an Integrated Retirement Community (Use Class C2) comprising; a Village Care Centre, 58 bedroom care home, 45 care suites (comprising one and two bedrooms), 100 care apartments (comprising one and two bedrooms), wellness spa, open space and associated works including car parking, access, hard and soft landscaping and associated engineering works."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Inquiry sat on non-consecutive days between the 8 October 2024 and 18 October 2024. Unaccompanied site visits were carried out on 7 October 2024 and the 14 October 2024. An accompanied site visit was carried out on the 10 October 2024. The last two visits were carried out according to an agreed itinerary which included the site itself and views from the surrounding countryside.
3. As the proposal potentially affects the setting of a listed building and a conservation area, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Council chose not to defend a number of the reasons for refusal (the RfR) on the basis of information that was submitted after it made its decision and the planning obligation that was subsequently agreed during the course of the Inquiry. This led to the effective withdrawal of reasons 6-11 by the close of the Inquiry. This is the basis on which this appeal has been determined.

Main Issues

5. Having regard to the remaining matters in dispute, I find the main issues to be the effect of the proposal on the character and appearance of the area and its effect on the setting of two non-designated heritage assets comprising a World War II pillbox (the Pillbox) and Sparrowhawks Farm and whether:

- it would preserve the setting, as it relates to the significance of the Grade II listed building known as "Little Waltham Lodge" (Ref: 1338514) (the LB) and the extent to which it would preserve or enhance the character or appearance of the Little Waltham Conservation Area (the CA); and
- the site is appropriate for development having regard to local and national planning policies that seek to manage the location of new development.

Reasons

Site and Surroundings

6. The appeal site (the Site) is located to the west of the village of Little Waltham, a rural settlement located approximately 3.5 km from the northern edge of the Chelmsford urban conurbation. The village is located to the north of a larger village, Broomfield, which is situated immediately north of Chelmsford. Broomfield and Little Waltham are linked to it by the B1008 which runs in a north-south alignment from the city centre. The Site lies to the west of the southernmost parcel of the defined settlement limit of Little Waltham, on the opposite side of the B1008.
7. A broad shelterbelt of trees of relatively recent origin, with rising agricultural land beyond, characterises the western site boundary. The eastern extent of the site is bounded by the B1008 and is characterised by a narrow belt of more mature trees. A number of trees within the site are individually protected under Tree Preservation Order 2001/40 (the TPO). The TPO also protects trees that are adjacent to the B1008 which are scheduled as two linear groups comprising 13 lime trees and 19 sycamore trees. The degree to which these trees screen the Site declines along the southern site frontage as a result of a sparser understorey.
8. The southern boundary is defined by a loose hedgerow beyond which lies a large development that is currently being built out¹. The northern boundary of the Site is defined by a post and rail fence which subdivides a historic parkland area that was formerly associated with the LB which is set within its own grounds. The grounds abut the parkland and the northeastern boundary of the Site, which is situated around 53 m from the lodge itself. The nearest building of the proposed development would be situated around 105 m from the lodge.
9. There is one non-designated heritage asset within the site boundary comprising the Pillbox. This is situated near its eastern boundary, immediately adjacent to the B1008 and just south of the junction with Chelmer Avenue. It lies within the belt of trees along the eastern boundary and falls within group G1 of the TPO. A further non-designated heritage asset, Sparrowhawks Farm, is situated on the eastern side of the B1008, opposite the lodge. This is located approximately 60 m to the northeast of the Site.
10. The CA lies to the east of the B1008 with its southwestern extent proximate to the lodge but not including Sparrowhawks Farm. It forms an irregular-shaped area incorporating historic buildings predominantly arranged along a north-

¹ Land was allocated for around 450 homes as "Strategic Growth Site Policy 8 – North of Broomfield" in the Chelmsford Local Plan 2013-2036 (2020). In December 2020, Bloor Homes submitted an outline planning application for the erection of up to 550 C3 dwellings and a local centre (Ref: 20/02064/OUT). This was subsequently amended in 2021 to deliver 512 homes.

south route (The Street), a church and historic water meadows associated with the River Chelmer. It does not include any of the buildings within the settlement boundary that face the Site on the opposite side of the B1008.

11. The wider settlement of Little Waltham, beyond its historic core, is formed from a compact area that is characterised by parcels of developed land, interspersed with green spaces. The defined boundary for the settlement is drawn tightly around each of the existing blocks of development and comprises three separate elements. A large, detached house, 'Merefields', lies outside the defined boundary and faces the southernmost quadrant of the Site, on the opposite side of the B1008. Whilst originally considered a non-designated heritage asset in its RfR, the Council subsequently acknowledged that it has no such value due to the fact it was entirely rebuilt around 2014².
12. The Site covers an area of approximately 6.9 ha and is broadly rectangular in shape. It comprises a single parcel of land that is used for grazing and hay making. Although it is located on the valley side, the site itself is relatively flat. The lowest part lies along the eastern boundary with the wider landform dropping towards the river valley whilst the land gently rises across the site to the west.
13. Public Right of Way (PRoW) 25/225 runs between the Site and the River Chelmer, connecting it to a wider network of PRoWs which follow the river corridor. There are no others in the immediate vicinity of the Site, save for PRoW 29/225 which is located around 200 m to the west and south-west. I have viewed the Site from these footpaths according to the itinerary agreed between the parties³.

Proposed Development

14. The proposed development comprises an integrated retirement community (the IRC). This would deliver different types of accommodation that are designed to meet the changing needs of its residents who would continue to occupy the scheme as they age. This is based on an extra care model that would enable the co-location of independent and assisted living as opposed to schemes where differing needs are met in separate facilities. The proposal falls within use class C2 and the IRC comprises a single planning unit that would provide the following accommodation and facilities:
 - A "care home" would provide the highest level of care to residents who are unable to live independently and who rely on carers for the provision of meals and assistance with essential daily activities, such as dressing, washing and eating.
 - "Care suites" would provide accommodation for residents who are able to live independently but who choose to rely on the provision of meals and assistance with daily activities as required. Care suites would have limited kitchen facilities with residents only being able to prepare drinks and snacks.
 - "Care apartments" would be occupied by residents who are able to live independently but who benefit from care and assistance from time to

² CD66, paragraph 7.113.

³ ID6

time. These would have full kitchen facilities and residents would either prepare meals for themselves or eat in the restaurant on the site.

- A “village care centre” which would include a restaurant, café, lounges, meeting spaces and areas for communal activities.
- A “wellness spa” which would include a swimming pool, treatment rooms, gym and hairdressers.
- Landscaped grounds and areas of open space that would provide outdoor amenity and exercise opportunities for the residents.

Policy Context

15. For the purposes of Section 38(6) of the Town and Country Planning Act 1990 (as amended), the development plan for the area comprises the Chelmsford Local Plan 2013-2036 (the LP), which was adopted in May 2020. The Council has an emerging plan that is at an early stage of preparation. As such, it can only be given limited weight in the determination of this appeal, as agreed by the main parties. The Broomfield Neighbourhood Plan 2022-2036, which whilst at an advanced stage, is yet to be made. It carries no weight because its policies can only apply and control development within the Broomfield Parish boundary. Nevertheless, the Council highlights the emphasis it places on maintaining a buffer to prevent coalescence between Broomfield and Little Waltham.

16. The parties also agree that the most important policies⁴ for the determination of this appeal, excluding the ones related to the RfRs that have fallen away, are as follows:

S1 – This sets out the spatial principles for development that should underpin all spatial planning decisions. It provides the overarching policy and comprises a number of spatial principles. The one most relevant to this appeal is a requirement for all development to respect the character and appearance of landscapes and the built environment and to preserve or enhance the historic environment and biodiversity.

S3 – This seeks, among other things, to conserve or enhance the significance of both designated and non-designated heritage assets. It places great weight on the preservation or enhancement of designated heritage assets and their settings and encourages appropriate, viable use. The way in which proposals affecting the different types of heritage assets are to be considered are set out in policies DM13 and DM14.

S7 – This applies the spatial principles of S1 and sets out the scale and distribution of new development across the plan area in accordance with the settlement hierarchy. It identifies three growth areas, one of which includes the development site immediately to the south of the Site which is allocated in “Strategic Growth Site Policy 8 – North of Broomfield” (SGS8). Whilst no specific allocations for extra care facilities are present, there is a mechanism for their delivery on these larger sites through the requirements of policy DM1.

⁴ CD76, paragraph 5.4

S11 – This seeks to balance the requirement for new development within the countryside to meet identified development needs in accordance with the Spatial Strategy. Among other things, it designates all areas outside urban areas, defined settlements and the green belt as a Rural Area. It recognises the intrinsic character and beauty of the countryside and states that development will only be permitted where it would not have an adverse impact on its character and beauty.

DM8 – This provides guidance on what can be allowed in the Rural Area with a list of acceptable developments under Criterion A. This includes local community facilities where there is a demonstrated need but only insofar as they would not have an adverse effect on the identified, intrinsic character and beauty of the countryside. The parties agree that Criteria B-D do not apply.

DM13 – This requires the harmful effects of development on the significance of designated heritage assets and their setting to be considered against any public benefits according to the level of harm. Where it is less than substantial, those public benefits also include securing an optimal viable use, as appropriate.

DM14 – Seeks to ensure that proposals retain the significance of non-designated heritage assets and their settings. Any harm or loss needs to be justified through a balanced judgement of the significance of the asset and subject to measures that minimise and/or mitigate that harm.

DM17 – This makes clear that permission will only be granted where proposals do not result in unacceptable harm to the health of a preserved tree. It advises that, in exceptional circumstances, there may be overriding public benefits arising from the development that could justify the removal of such a tree or trees. In such circumstances, replacements are required of a size and type suitable for the location.

17. The appellant highlights two further policies, S6 and DM1, that were outside the basket of policies that were initially agreed as being most important⁵. Policy S6 is an overarching strategic policy which sets out the need for new homes, as well as the need for employment and retail land. It does not consider the mix of new homes apart from those associated with gypsy and traveller communities. It is silent in relation to housing provision for older people and is not associated with any RfR. It is also not one for which compliance can be sought within a development management context. As such, this falls short of being a most important policy.
18. Turning to policy DM1, this requires schemes of more than a hundred dwellings to include provision for specialist residential accommodation (SRA), taking into account local housing needs. Although this is the only means by which the Council can oblige developers to deliver SRA for older people, it is not relevant to this proposal which delivers just that. As such, it is not capable of being a most important policy.
19. The appellant maintains that the tilted balance applies because the basket of policies most important for determining the appeal are “out of date”. In this respect, policies S6, S7, DM1 and DM8 of the LP are specifically identified.

⁵ CD54, paragraph 14.23

The appellant highlights three main reasons. Firstly, because the LP does not comply with the latest guidance on the importance of delivering SRA for older people. Secondly, because the LP is failing to deliver SRA for older people, as demonstrated by the appellant's care needs assessment⁶ and further evidence submitted to the Inquiry⁷. Thirdly, because policy DM8 of the LP seeks to prevent the grant of planning permission in the countryside in circumstances when this may be necessary to address the shortcomings of other LP policies.

20. The Courts⁸ have established that such a proposition must be tested. Firstly, by identifying the most important policies and asking if each one is out of date and secondly, by then stepping back and asking if the basket as a whole is out of date. Bearing my earlier evaluation of the basket, neither S6 nor DM1 can reasonably be included.
21. Even if this were not the case, the sole reason for S6, S7 and DM1 being out of date, according to the appellant, relates to their inconsistency with the National Planning Policy Framework 2023 (the Framework) and the advice in the Planning Practice Guidance (PPG) in respect to a requirement to identify and reflect the specialist housing needs of older people.
22. More specifically, paragraph 60 of the Framework requires the needs of groups with specific housing requirements to be addressed, whilst paragraph 63 requires such needs to be assessed and reflected in local planning policies. The importance of meeting such needs is also reflected in the PPG⁹. Whilst paragraph 225 of the Framework states that due weight should be given to policies according to their degree of consistency with the Framework, I accept that the PPG has the same legal status and weight as the Framework in relation to such matters¹⁰.
23. The appellant's view that these policies are out of date, given the absence of specific targets for the provision of specialist housing for older people in the LP, is not tenable because neither the Framework nor the PPG have any requirement for specific targets to be set. The PPG makes it clear that it is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. Whilst the appellant suggests that the plan should have been modified to set targets for such needs, as well as travellers and gypsies, the examining Inspector of the LP nevertheless found it to be sound and made an explicit reference to the adequacy of the evidence base in relation to the provision of housing for older people¹¹.
24. In this respect, it is clear that the needs of older people were explicitly assessed through the SHMA¹² during examination and more recently through the SHNA¹³. The needs are reflected policy DM1, as made clear in paragraphs 8.2 to 8.9 of the supporting text. The policy itself requires specialist housing on any proposals for more than 100 units, as already highlighted, with the precise quantum and type to be assessed according to the most recent

⁶ CD61, appendix

⁷ ID7

⁸ Paul Newman Homes v SSHCLG [2021] EWCA Civ 15, approving Wavendon Properties Ltd v SSHCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)

⁹ Paragraph: 001 Reference ID: 63-001-20190626; Paragraph: 006 Reference ID: 63-006-20190626; Paragraph: 012 Reference ID: 63-012-20190626; and Paragraph: 013 Reference ID: 63-013-20190626.

¹⁰ Mead Realisations Ltd v SSLUHC [2024] EWHC 279 (Admin)

¹¹ CD62, paragraph 4.16

¹² CD2, Strategic Housing Market Assessment Update (December 2015)

¹³ CD3, Strategic Housing Needs Assessment (October 2023)

assessment of need, as defined in the 2023 SHNA. I find the suggestion that the latter carries little weight because it has not been formally adopted to be without merit as the policy itself states that the latest local housing need information for specialist accommodation will be used. Consequently, it is clear that the needs have been both assessed and reflected in the LP and I can find no inconsistency with the Framework in this respect.

25. The appellant seeks support for its position from a successful appeal against the refusal of an application for a similar extra care facility by Lichfield District Council¹⁴. In particular, the appellant draws my attention to paragraph 60 of that decision where the Inspector notes an absence of specific figures and allocations which, as I have already noted, are not required by either the Framework or the PPG. I also note the two policies that were in scope had no specific provision for SRA and that the Inspector was using the lack specific figures and allocations to merely illustrate that point rather than highlight a systemic failure to implement a mandatory requirement. As is commonly the case, the appeal is not the same in all respects and is fact sensitive. I have therefore determined this appeal on its individual merits and the evidence before me.
26. Turning to policy DM8, the appellant suggests that it is out of date in respect to its protection of the countryside in circumstances where planning permission should be granted to remedy the shortcomings of other policies in the LP, namely the lack of explicit targets for SRA. However, one of the exceptions makes provision for just such accommodation in the form of community facilities that meet a demonstrated need. It is open to any applicant to demonstrate such a need, irrespective of whether or not any explicit targets have been set elsewhere in the LP. Furthermore, as it accepts that a broad range of development in the countryside is both necessary and acceptable, I do not find it overly restrictive or inconsistent with the Framework in this respect. Even if this were not the case, it is only one out of the eight policies that are to be weighed in the basket.
27. Given the above, I conclude that the basket of the most important policies is not out of date and the tilted balance does not apply in this instance.

Character and Appearance

28. The landscape context for the proposal is defined by a number of overlapping character areas. At a national level, the Site is located within National Character Area (NCA) 86 'South Suffolk and North Essex Clayland'¹⁵. At a county level, it lies within Landscape Character Area (LCA) C5 'Chelmer Valley'¹⁶. At a borough level, it lies within LCA A6 'Upper Chelmer Valley'¹⁷. Given the general lack of relevant features and wide geographic coverage of the NCA, I will focus on the more localised assessments given their greater utility in relation to the matters at hand.
29. There is significant commonality between the county and borough assessments which are centred on the narrow floodplain of the River Chelmer, which is set within a gently undulating, boulder clay plateau. It is

¹⁴ APP/K3415/W/20/3264280

¹⁵ CD14, NCA Profile: 86 South Suffolk and North Essex Clayland (2014), Natural England

¹⁶ CD12, Essex Landscape Character Assessment (2003), Chris Blandford Associates

¹⁷ CD13, Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (2006) - Section 5 (Chelmsford Borough), Chris Blandford Associates

characterised by larger arable fields on the valley sides with smaller pastoral fields and trees in the valley floor which have a more enclosed character and restricted views, often framed by the riverside trees and hedgerows. The valley sides have a more open character with low hedgerows with gaps and scattered trees enclosing the arable fields with occasional, small woodlands. Small, linear settlements occupy the upper valley sides or 'straggle down' to a few bridging points. The majority of settlements are small, with limited modern development. Other relevant features include Second World War pillboxes (C5), a medieval pattern of dispersed settlements and scattered farmsteads (A6) and small historic parklands (A6).

30. In terms of the relevant sensitivities of LCA C5, these include major urban extensions >5 ha and development with large or bulky individual buildings. The relevant sensitivities of A6 include the disruption the open and framed cross-valley views by tall development as well as the preservation of historic integrity, which includes historic parklands. Overall, the character of LCA A6 is deemed to have a relatively high sensitivity to change in the assessment¹⁸.
31. Bearing in mind the scale of the proposal and the relative size of these receptors, I accept that the magnitude of change would be limited when taken as a whole but not at a more localised scale. It is common ground that the proposals would cause harm to landscape character and also lead to visual impacts. The controversy, as is frequently the case, is about how much harm arises which goes to matters of judgement.
32. I observed that the site has a significant degree of enclosure and that longer distance views would be limited and largely kinetic. In terms of the cross-valley views, I note that only the southernmost boundary of the site and its western shelterbelt would be visible from the footpath along the eastern side of the river valley¹⁹. Any glimpsed views, especially during the winter months, would be read within the context of the considerably more prominent development associated with SGS8 which has introduced a significant, urbanising element. In a similar way, the significant massing and extensive domestication of 'Merefields', dominates views towards the site from the footpath that climbs from the bottom of the valley towards the B1008²⁰.
33. Turning to the views from the western side of the river valley²¹, I observed that the southern sections of the footpath, as well as Woodhouse Lane itself, are also dominated by SGS8 and influenced by views of northern Broomfield, across the fields to the south. However, views of the Site within a more rural context are nevertheless afforded from higher ground on the other side of a dense hedgerow that screens SGS8, to the northwest of Viewpoint 4 which is on a lower contour line²².
34. I observed that it was possible to see the upper canopy of one of the trees of the parkland over the western shelterbelt of the Site. Consequently, the roofscape of the three storey 'village care centre' with its high ridge and steeply pitched gables would be visible, particularly during the winter months, from this higher vantage point but not from Lark's Lane due to the intervening topography and vegetation. This would disrupt rural character and views

¹⁸ CD13, p 143

¹⁹ ID6, route 3

²⁰ PRoW 25/225

²¹ ID6, route 6

²² CD59, figure 6

across the valley through the larger and more bulky elements of the proposed development leading to both character based and visual impacts, especially during the winter months.

35. The appellant acknowledges that partial views of the southern extent of the Site and the associated buildings would be seen from the lower vantage point at Viewpoint 4, with possible roof ridges of the taller buildings also visible above the woodland belt, as well as potential for glimpsed views of the roof ridges above the southern boundary vegetation remaining in the longer term²³. I find this effect to be understated due to the lower ground from which this effect has been evaluated. Such impacts can only be greater from the higher vantage point I described, as well as more generally along the higher reaches of this footpath.
36. I observed that the perceived settlement pattern changes along the B1008 when travelling north from Broomfield. I note that a high density, urban grain, including SGS8, gives way to more intermittent, ribbon development along the eastern side of the road which is characterised by open views of the wider countryside and river valley across land to the south of 'Merefields'. Whilst more filtered, this rural character nevertheless continues to be perceived on the western side of the road, along the frontage of the Site.
37. 'Merefields' aside, the facing development along the eastern side of the road largely comprises two-storey semi-detached properties, interspersed with a number of modest detached buildings and a re-purposed, petrol filling station. Mature vegetation at either end of this frontage, as well as views of mature trees between the houses, gives rise to a transient suburban character before the context of this route returns to a more rural form around the junction with Chelmsford Road. Although a greater extent of development is apparent along Chelmer Avenue, its prominence is reduced by the falling ground and the wooded backdrop of the valley floor.
38. I find that the incongruent scale and massing of the proposal and the domestication of the Site would lead to a fundamental change of character along this corridor. Cumulative harm would arise from the creeping urban encroachment of Broomfield which would dominate the western side of the road and significantly erode the legibility of what remains of the small, linear settlement pattern along this route. It would also further erode its wider, rural context. This would lead to the coalescence of Broomfield and Little Waltham from the near continuous urban form that would result.
39. It would also be unsympathetic to the existing scale of the development that faces the Site. Whilst it cannot sensibly be labelled a major urban extension, it is self-evidently a larger-scale development, just under 5 ha in size, for which there is a high sensitivity to change in LCA A6. Whilst only obvious from within the Site, the proposal would also lead to a significant loss of an open, historic parkland area as well as a number of protected trees that are of recognised amenity value.
40. Approximately nine protected trees would be lost that are located around the proposed site access, which would be to the south of Chelmer Avenue. Although significant new tree planting is proposed elsewhere on the site, this would not mitigate the gap that would be created in this important landscape

²³ CD59, paragraphs 6.14-6.15

feature or screen the incongruent massing of the proposed development to any significant extent to users of the nearby road or walkway. Even if this were not the case, it would take a significant amount of time for that planting to reach an equivalent amenity value.

41. Given the above, I conclude that there would be significant visual and landscape impacts arising from the scheme that would be contrary to policies S1, S11 and DM8 of the LP. Policy DM17 requires the public benefits of the scheme to be weighed against the harm that would be caused. I will return to this matter in the final planning balance where these benefits will be considered. However, I do not find it contrary to policy S7 as the avoidance of coalescence is related to plan-making rather than decision-taking.

Designated Heritage Assets

42. The proposal would not affect the historic or architectural significance of any of the identified assets through changes to their physical characteristics, form or fabric. The parties agree that any such effect would be limited to changes to their setting insofar as it contributes to the significance of the individual assets. This applies to both the designated and non-designated assets.
43. The CA was designated on the 2 October 1969. The original boundary was drawn tightly around the historic core of the settlement, taking in the historic buildings along The Street and around the church. It contains a total of 33 Grade II listed buildings. A borough-wide review of conservation areas in 1991 enlarged the boundary to its present extent on 4 April 1991, taking in the water meadows that run through the village.
44. The form of the village is derived from a medieval settlement pattern which has led to two distinct clusters of historic buildings along The Street and around a manorial/church complex to the southeast which is situated within the easternmost extent of the CA. This area has a more open grain and is afforded longer views of the landscape to the east and the river valley to the west. A significant extent of open land is included, predominantly situated along the river valley. These combined elements speak to the economy of the village which was historically linked to agricultural production and its significance as a river crossing on a major route.
45. Given the above, I find that the setting, as it contributes to the significance of the CA, to be linked to the associative relationship of its historic buildings with the river and productive agricultural land which were integral to the early development of the village in this particular instance.
46. The parties accept that the Site lies within the setting of the CA. The Council suggests that it contributes to the significance of this asset because it is part of a wider, rural land use context in which the CA is experienced. It also stresses the importance it plays as a buffer to the expansion of Broomfield. It accepts that the proposal would not harm the special historic or architectural interest of any of the listed buildings within the CA through changes to their settings.
47. Whilst its agricultural wealth would have been supported by outlying farms, with the LB occupying a former site of one such farm, any such relationship has been effectively severed to the southwest of the CA with the contemporary expansion of the village. It is telling that neither the LB, Sparrowhawks Farm

nor the Site were included in the 1991 amendment. As a result, I observed that any meaningful experience of the asset that is proximate to the Site, in terms of its open, rural setting, is only gained at closer quarters when entering The Street from the west and traversing the river valley to the south, beyond the boundary of the CA. Views of the proposal from either of these perspectives would be negligible and far outweighed by the more open, rural context that is present. Consequently, there would be no perceptual harm to the setting of the CA as it relates to its historic interest as a whole.

48. The Council relies upon general character-based changes to landscape as opposed to any harm through direct juxtaposition. Although I have found landscape harm and that coalescence would result from the proposal, this is based on how it would affect key landscape features and the visual harm that would be caused to the immediate area. This is not comparable, nor is any landscape and visual impact assessment, to the analysis that needs to be undertaken to determine whether harm would result to the special architectural or historic interest of a CA.
49. I accept that there are potential economic and historical associations with the Site through the contribution it may have made to the rural economy of the early settlement and its former use as agricultural land. However, this character-based association no longer remains legible given its conversion to parkland, the loss of the historic farmstead and its subsequent replacement with a formal country residence. Any historic association has been further eroded by the modern extension to the village to the point that all that remains is a disjunct, open area of land on the valley side. Moreover, the wider rural context of the CA is clearly apparent from views along the river valley, between the dwellings along The Street to the west and from around the church to the south.
50. Given the above, I do not find that the proposal would harm the significance of the CA, as a whole, through changes to its setting.
51. The LB was constructed in the mid-19th century and is a large, upper middle-class house set within its own grounds. It comprises two storeys with a projecting, canted bay on the principal façade to the south, which is centrally located. The rear elevation faces away from the Site and has two, double storey, canted bays. Architecturally, it is classically proportioned and has well-preserved architectural detailing in the neo-classical style.
52. Evidence suggests that the plan form of the building is substantially similar to when it was built. There is a typical suite of public and family rooms on the ground floor which are accessed from the main entrance hall. Servants' accommodation, including a kitchen and scullery, are located to the rear with a separate servants' stair providing discrete access to family bedrooms. The largest family bedroom and ground floor room are situated on the northern corner of the building and face northwest.
53. It replaced an earlier building that appears on the 1837 Tithe Map which was located in roughly the same position. The first edition OS plan from 1874 shows the house within a similar outline to today, with a coach house and group of ancillary buildings to the north-west of the main building. It also shows the immediate grounds of the house comprising formal landscaped gardens. More extensive grounds, laid out as a parkland with specimen trees,

are shown as directly adjoining these gardens. A croquet ground is also indicated near the southern boundary of the formal garden.

54. Given that the principal rooms face away from the parkland, it is clear that the house was not orientated to give planned views of the parkland in the same way in which grander houses from an earlier period would have done in order to emphasise Arcadian landscape ideals. However, the presence of enclosed, landscaped grounds in juxtaposition with parkland reflects the later Picturesque landscape tradition. Whilst not a grand country house, its formal grounds and parkland, polite architecture, provision of servant quarters, coach house and prominent location outside the village all attest to a higher status dwelling.
55. Insofar as this appeal is concerned, the setting of this asset, as it contributes to its special interest, comprises the legibility of the wider parkland and the contribution that this makes to the overall status of the dwelling.
56. The proposal would lead to the loss of a substantial proportion of the original parkland area to the south of the listed building. The significant massing and density of development as well as the intensification of use, with frequent comings and goings, would fundamentally alter the wider context of the LB which the small area of retained parkland to the north of the Site would do little to mitigate. Although some parkland outside the site boundary would remain in juxtaposition with the LB and its formal gardens, this would only represent around a third of its original extent.
57. The appellant suggests that the formal gardens that provided the immediate setting of the house were bounded to the south and the north by dense, wooded copses. As such, it maintains that there were no planned or incidental views over the land comprising the former parkland to the south which now lies within the Site. The appellant is of the opinion that the house had a very close relationship with its immediate landscape setting which lacked any long views of the parkland to the south. It has been assumed that the planting around the house was likely to provide an appearance of isolation within an intimate landscaped setting.
58. However, I find this to be largely speculative in the absence of any planting plans. Whilst I accept that there were no planned views from within the house, I find this cannot be assumed with any degree of certainty in relation to either planned or incidental views from the garden. This is because there could have potentially been views to the south and southwest bearing in mind the sweep of the garden boundary which could have enabled sightlines that would have been unimpeded by the southern copse that the appellant highlights.
59. Moreover, I find it inconceivable that the parkland would have been created and then wholly isolated from the more formalised gardens given the role it would have played in emphasising the status of the owner. There is also the obvious functional relationship with the croquet lawn, which common sense dictates, would have been accessed directly from the garden alongside a small structure near the northwestern corner of the parkland and a well near its southeastern corner. To pretend that the garden and parkland were separate entities, in aesthetic and functional terms, as they were originally conceived does not bear scrutiny. In oral evidence, the appellant conceded that views of

the parkland from the garden, as originally conceived, would have contributed to its historic interest.

60. The appellant draws my attention to subsequent change in terms of the progressive loss of individual specimen trees over time and the further development of the boundary vegetation associated with the formal gardens, as deduced from sales particulars. In oral evidence, the appellant accepted that the parkland would have still been clearly legible in 1971 when ownership of the Site was severed from the LB, as is apparent from the 1973 OS map. Although it is suggested that more recent management as a hay meadow has further eroded its character, this is just a temporary effect that is wholly reversible.
61. I observed that whilst there has clearly been a significant loss of trees since 1973, either through natural causes or deliberate removal, that the Site nevertheless retains a legible parkland character through the few remaining trees that persist, which includes a 'stag-headed' form. Although the western and eastern boundaries are now more enclosed, through subsequent woodland planting, the extent of the original parkland and the status that this confers on the LB still remains as a continuation of the retained parkland to the north of the Site. Oblique views of this continue to be present from the southwestern facing first floor windows of the LB. Whilst intervisibility between the Site and the LB is limited, the historic association remains and therefore contributes to its special interest.
62. Given the above, I find that the proposal would significantly erode the wider parkland setting of the LB and that this harm would not be outweighed by the heritage benefits of the 'community parkland' that would be created along the northern site boundary. The proposal therefore fails to preserve its special interest.
63. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through development in its setting and that any such harm should have a clear and convincing justification.
64. Bearing in mind that the proposal would not directly affect this asset and that it would be able to accommodate the change to its setting without the near or complete loss of its special interest, I find the harm to be at the lower end of less than substantial but nevertheless of considerable importance and weight. When this is the case, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of a proposal. In order to do this in a comprehensive manner, the wider planning benefits that also coincide with public benefits need to be set out. Consequently, the final heritage balance will be made after I have finished addressing the main issues.
65. Given the above, the proposal would be contrary to policy S3 of the LP, paragraph 203 of the Framework and would not conform to the expectations of the Act. I shall consider compliance with policy DM13 in my final balances.

Non-Designated Heritage Assets

66. The significance of the Pillbox is founded on its intrinsic fabric and design, which communicates its defensive purpose, as well as its role as part of a

larger array of defensive positions that were constructed to defend the Chelmer Valley. There is no line of sight with the nearest surviving pillboxes, either because of intervening development or landscape features. It conforms to a standard, hexagonal Type 22 design and has rifle loops on all sides, giving a 360°, overlapping cover of fire. In terms of its fabric, the Pillbox is not 'hardened' and comprises a thin-walled construction of 300 mm concrete with corrugated iron shuttering.

67. The Council highlights the fact that an assessment has graded the Pillbox as being 3 out of a possible 4 'stars'. In the rating system, 4 stars denote rare or exceptional examples worthy of national designation through listing or scheduling. The appellant highlights the fact that it is one of around 400 pillboxes that ran from Canvey Island to Great Chesterford. Whilst clearly worthy of preservation, it is not an uncommon structure and its relationship to other pillboxes that were part of the defensive line is not apparent which reduces its significance.
68. The Council maintains that its setting has remained largely unchanged which increases the level of harm to the asset. However, the considerably thicker shelterbelt along the western site boundary clearly postdates its construction. Whilst the aerial photography, relied upon by the Council, shows a line of mature trees along this boundary, they would not have curtailed the sightlines to the same extent as the current, much denser planting. More generally, the contemporary development along the eastern side of the B1008 has also considerably foreshortened sightlines that would have extended towards the valley floor. Clearly, it's context no longer closely resembles the setting at the time the asset was first constructed.
69. The Council observes that the proposal would result in large-scale buildings forming a backdrop to the Pillbox which would change its setting from a rural to an urban one and significantly reduce its last remaining lines of sight to the southwest. It also notes that there would be additional impacts through lighting, activity and noise. This would lead to the loss of the only remaining, longer distance sightline and it would effectively become marooned as a functional, historic feature. I find the harm to be moderate, however, bearing in mind its already altered context, a lack of intervisibility with any other pillboxes and the unmistakable nature of the structure.
70. The appellant suggests that a detailed scheme for the restoration, future management and maintenance of the Pillbox, as well as the provision of interpretation boards, would be beneficial and offset the harm that would be caused. The Council suggests that the structure is in good condition, that the benefits of clearing vegetation would be limited and that interpretation could be provided in the absence of any development. However, the Council conceded, in oral evidence, that no such scheme currently exists or is planned.
71. I observed that the lower parts of the corrugated iron, inside the pillbox, were disintegrating and in need of repair. Although the rest of the structure was in reasonable condition, ivy had grown over it and there were also a number of tree saplings in close proximity. These could become more problematic in terms of causing structural damage in the absence of suitable management in the longer term and the visibility of the structure would also decline. Overall, I find that these benefits would provide some mitigation but that residual harm would nevertheless remain.

72. Sparrowhawks Farm was historically associated with the Site, where the land holding is identified within the 1838 Tithe Award as occupied by James Campen, who was the owner of the farm at that time. The Council suggests that the Site makes a contribution to the setting of the farmhouse as part of its rural setting and through the historic association with its former agricultural function. It also notes that the Site is part of the approach to the farm from the south and that it contributes to the experience of its rural setting. It suggests that the urbanisation of the site would cause harm to this asset.
73. Currently, the farm is bounded to the south and east by mid-20th century development and to the west by the B1008. As a result, the original historic and rural setting has been significantly eroded and its sensitivity is much reduced. It is not set next to open fields, does not have any obvious agricultural character and is largely obscured behind a high wall that bounds the walkway of the nearby road. Although a wrought iron gateway is present on the western side of the road, to the south of the farm, there is no directly corresponding track on the opposite side of the road linking the two. As such, I can find no legible connection between the Site and the farm and do not find that it contributes anything to the significance of the asset as it is experienced within its wider setting. Consequently, there can be no harm arising from the proposal.
74. However, bearing in mind the residual harm that would be caused to the Pillbox, I nevertheless find that the proposal would be contrary to DM14.

Elderly Housing Need

75. The parties agree that there will be an ongoing need to provide new SRA for the elderly and that there is a growing awareness of the benefits of extra care housing of the type that has been proposed. The estimates derived from three different models were not disputed and the Council notes that its own estimates do not differ greatly as to the broad quantum of need in the future, as agreed by the appellant's witness.
76. The SHNA indicates that by 2041 there would be an estimated need for 1,520 additional dwellings with support or care across the plan area, with a need for 886 additional nursing and residential care bed spaces. Using a standard multiplier of 1.8 bed spaces per dwelling for older persons accommodation, it equates this to around 492 dwellings. It consequently forecasts a total need for around 2,012 units up to 2041 or 106 per annum.
77. The appellant forecasts a total need of 1,803 units by 2042 which is not dissimilar but takes issue with the existing supply of 189 beds because only one private extra care scheme has been identified comprising just 58 beds. Using the Council's own analysis, the existing shortfall for housing with care consequently rises to 441 units according to the appellant. This broadly aligns with its own use of the SHOP model which demonstrates a shortfall of around 345 private extra care units.
78. The appellant also highlights supply pipeline issues which are informed by a comparative table that was submitted by the Council during the course of the Inquiry²⁴. Again, there is no great difference between the parties on this matter and the Council accepts that the current pipeline comprises 211 beds.

²⁴ ID7

The appellant estimates that by 2029 there would be an unmet need for 202 care beds and 846 private extra care units if no care bed closures are assumed. The basis for this calculation is undisputed and the Council was unable to identify any other schemes likely to come forward in this timeframe when questioned, despite a number of pre-application discussions having taken place. The predicted need, according to the appellant, is equivalent to three to four new 60-bed care homes and seven new 120-unit retirement schemes by 2029.

79. In terms of past delivery, the appellant points out that the Council has only consented 80 care beds and 60 private extra care units in the last 5 years. The Council highlights the fact that the implementation of the LP is still at an early stage, having been adopted less than five years ago. Consequently, it suggests that it is too early to determine whether policy DM1 of the LP is working. It points out that the major allocations upon which it relies for SRA, through policy DM1, are yet to be delivered. I also note that the Council is considering whether it would be appropriate to identify a percentage of the housing allocation to meet a range of older persons accommodation types on new site allocations in a preferred option topic paper on housing²⁵.
80. The current position, as well as the one likely to be present in 2029, can only be described as a sustained market and policy failure in relation to the provision of SRA for older people despite the relatively young age of the LP. Irrespective of the differences between the parties, the SHNA identifies a current shortfall of 310 market housing with care units and 289 care beds. Set within the context of the persistent under delivery of SRA over the last five years, this alone demonstrates the failure. It is also telling that the Council is considering setting numerical targets to remedy this situation as well as its acknowledgement that not all of the allocated sites would be suitable for the delivery of such housing which introduces further uncertainty regarding the timely delivery of SRA to meet the identified need.

Other Matter

81. A completed planning obligation (the s106) was submitted after the close of the Inquiry. This secures financial contributions towards affordable housing, local healthcare provision, highways, monitoring and protected area mitigation. It also secures a viability review and a workplace travel plan. As I am dismissing this appeal, I do not consider it further but have weighed the provision of affordable housing in the planning balance.

Benefits

Social Benefits

82. It is clear that the proposal would meet an immediate SRA need in terms of providing private care bed and extra care facilities. This is an urgent and pressing need that the Council does not dispute. The scheme would make a substantial contribution to the supply pipeline over the next five years. For those reasons, I give this benefit significant weight.
83. The scheme would help to increase the affordable housing provision in the plan area through the contribution that has been secured via the s106. The SHNA highlights the fact that there were approximately 902 households on the

²⁵ ID9, paragraph 3.76

Housing Register in October 2022. Viability issues mean that the appellant is unable to make the full contribution so the benefits arising from the scheme are £600,000, as opposed to £5,868,450²⁶. Whilst any contribution is important, bearing in mind the current situation, the contribution would only fund a limited number of new dwellings. For these reasons, I give this benefit moderate weight.

84. The wellbeing of future would be improved which would result in better health outcomes and reduce pressure on the NHS. It is undisputed that extra care leads to significant improvements in overall wellbeing, including reductions in the risk of falls and frailty. In terms of psychological well-being, it also reduces levels of depression, anxiety, loneliness and isolation. Additionally, residents would make more effective use of healthcare resources which, on average, would result in fewer days in hospital per year. For these reasons, I give this benefit moderate weight.
85. Underoccupied housing would be released which would boost the supply of housing by bringing more general housing back onto the market. Although such housing is likely to be sold to cover the costs of living in the IRC, there would be an undefined proportion of homes that would remain in the ownership of the occupants' families. The limited provision of IRCs is also likely to attract individuals from a larger catchment area which would limit the degree to which the proposal would boost local housing within the context of an existing, deliverable 5-year housing land supply that is already present. For these reasons, I give this benefit limited weight.
86. The appellant suggests that future occupants of the scheme would be free from the burden of maintaining larger, private properties. Although the proposal would lead to increased choice, this is not the only option available, particularly for the 65+ individuals who are likely to occupy the "Care Apartments". This is because such individuals would be able to occupy a wider range of alternative housing types or could simply 'downsize' into a more manageable dwelling. For these reasons, I give this benefit limited weight.
87. A condition would ensure access to the onsite facilities to improve the health and wellbeing of the local community. Similar benefits are also suggested in relation to the recreational benefits of the landscaped grounds. However, the latter would not be linked to any public footpath and pedestrians would need to cross a busy road to enter an area that would be visually dominated by the proposed buildings and car parking. In terms of the onsite facilities, some more tangible benefits would be secured but there is no evidence to suggest that the cost of non-residential membership would be attractive when compared with alternatives in Chelmsford. For these reasons, I give this benefit limited weight.

Economic Benefits

88. It would lead to the creation of new jobs during its operational phase. This would amount to around 80-100 full time equivalent positions. A further economic benefit would result from the increased local spend in the area by residents and employees. Development is generally recognised as generating economic benefits and some may also accrue in relation to the construction phase. For these reasons, I give these benefits moderate weight.

²⁶ CD70, paragraph 2.19

Environmental Benefits

89. The proposal would deliver biodiversity net gains in the order of around 17% gain in habitat units and a 59% gain in hedgerow units. Although not a mandatory requirement for this particular scheme, it would be in excess of the statutory 10% biodiversity net gain requirement and would be a separate benefit in its own right. The proposal would also deliver a significant level of tree planting across the site. For these reasons, I give this benefit moderate weight.
90. It would help to keep more sensitive areas within Green Wedges and the Green Belt free from development. Building on the least sensitive areas is a fundamental component of sustainable development. As the Council cannot meet all of its needs inside settlement boundaries, it is important to prioritise less sensitive areas to meet those needs according to the appellant. However, I agree with the Council that this is essentially an 'absence of harm' point. It also assumes that there would be an equal likelihood of such a scheme being built in those areas which is not the case given the policy protections that are in place. For these reasons, I give this benefit negligible weight.

Heritage Benefits

91. The scheme would enable the restoration and maintenance of the Pillbox and provide a scheme of interpretation that would place it within its wider context. Whilst this structure is currently in a reasonable condition, there are signs of internal deterioration. Furthermore, its significance in relation to other pillboxes is not legible and compromised by existing development which the interpretation boards would remedy. For these reasons, I give this benefit moderate weight.
92. The landscape proposals for the northern part of the Site would comprise specimen trees and other planting that reflect the parkland planting that was previously present on this part of the site. However, this is no more than would be required to mitigate the effect of the development. Bearing in mind that two thirds of the historic parkland area would be lost, this falls far short in terms of reducing the harm to an acceptable level. For these reasons, I give this benefit negligible weight.

Balances

Planning Balance

93. For the reasons set out above, the balance between harm to the designated heritage asset and all the public benefits weighs heavily against the scheme. Although there would be harm to the significance of the Pillbox, through changes to its setting, I accept that the scale of this harm would be reduced by the proposed management and interpretation scheme. However, this would not fully balance the harm that would be caused, and a significant residual effect would nevertheless remain. Additional harm would also arise from the significant visual and landscape impacts I have identified. Whilst localised to a certain extent, this would clearly extend beyond the immediate site context and lead to substantive, cumulative harm that would result in the coalescence of Little Waltham and Broomfield. Linked to this, is the harm that would be caused by the loss of an, albeit limited, number of protected trees.

94. On the other hand, I accept that the scheme would meet an established need for SRA against a backdrop of undersupply. Other substantive social benefits would also accrue in terms of improved wellbeing and affordable housing provision in addition to more constrained benefits in terms of an increase in the supply of housing and a wider choice of accommodation for elderly individuals. Economic benefits would also arise from job creation and increased local expenditure and there would be some modest environmental benefits. Taken together I do not find that these benefits outweigh the disbenefits of the scheme when taken together. Nor do I find overriding public benefits which justify the removal of protected trees, as required by policy DM17 of the LP.
95. It is not unusual for some tension to be found between different policies in a development plan when applied to a specific proposal. Although there would be compliance with some aspects of the development plan, including S4, S7, S9, DM2, DM15, DM16, DM18, DM23-25, DM27 and DM29-30, this is clearly outweighed by the conflict I have found with policies S1, S3, S11, DM8, DM13, DM14 and DM17 to which I attach significant and considerable weight. Consequently, I find that the proposal would conflict with the development plan when read as a whole. I also find it contrary to the provisions of the Act and paragraph 203 of the Framework. There are no material considerations of sufficient weight to indicate that the decision should be made other than in accordance with the development plan.

Conclusion

96. For the above reasons and considering all other matters raised, the appeal should be dismissed.

R Catchpole

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Robert Walton KC

He called:

Mr Gary Holliday BA (Hons) M Phil FLI

Dr Chris Miele MRTPI IHBC FRHS FSA

Mr Iain Lock BA MRICS

Mr Robert Gardner BSc (Hons) Dip TP MRTPI

FOR THE LOCAL PLANNING AUTHORITY:

Mr Josef Cannon KC

He called:

Mr Peter Dawson

Mr Michael Hurst

Mrs Alison Hutchinson

Mr Hamish Jackson

Ms Elaine Bell

DOCUMENTS

- ID1 – Proof Errata of Mr Lock
- ID2 – Monitoring Report, 2022-2023, Chelmsford City Council
- ID3 – Strategic Housing for Older People, Institute of Public Care
- ID4 – Opening Submissions, Appellant
- ID5 – Opening Submissions, Council
- ID6 – Site Visit Itinerary
- ID7 – C2 Site Supply Comparison Table
- ID8 – European Site Background Information
- ID9 – Preferred Options Topic Paper, May 2024, Chelmsford City Council
- ID10 – Revised Conditions, 14 October 2024
- ID11 – Pre-commencement Conditions Agreement Letter
- ID12 – Closing Submissions, Appellant
- ID13 – Closing Submissions, Council
- ID14 – Affordable Housing Obligations Summary
- ID15 – Public Use Condition
- ID16 – Age Restriction Condition
- ID17 – Signed s106 Agreement, 24 October 2024