



Appeal Decision

Hearing held on 18 November 2025

Site visit made on 19 November 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/C1570/W/25/3367123

Land off Wicken Road, Newport, Essex CB11 3PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/3061/OP.
 - The development proposed is described as *'Outline application for the erection of up to 90 dwellings, including affordable housing, with land reserved for future community use, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access'*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the main access into the site. I have assessed the proposal on this basis and treated the development framework plan as an illustration of how the proposal could ultimately be configured.
3. Before the hearing opened I accepted late submissions from the parties addressing the relevance of Paragraph 14 of the National Planning Policy Framework (the 'Framework'). No party was prejudiced from me doing so and this matter was discussed at the hearing.
4. The hearing was adjourned to allow the Council time to review the draft unilateral undertaking (UU) submitted by the appellant pursuant to section 106 of the Town and Country Planning Act 1990. Both the Council and appellant were also given a chance to provide further written comments regarding suggested Condition 24, which relates to offsite compensation for the loss of farmland bird habitat. I have had regard to the comments received. The hearing was closed in writing.
5. The Council and appellant broadly agree on the main heads of terms to be included in the UU. However, during the adjournment the Council raised concerns with both the legal soundness of the document and some of the specific clauses, such as trigger points. This approach was unhelpful because a draft had already been circulated before the hearing and I had also requested, through my prehearing note, that any comments were submitted before the hearing opens. Nevertheless, I have carefully considered the Council's comments, the appellant's response and

the final sealed UU. On balance, the appellant has provided a reasonable justification for the way the UU is constructed and therefore I have had regard to it.

6. Throughout my decision I have referred at various times to the 'previous appeal' or the 'previous Inspector'. This is a reference to a dismissed appeal decision from 2019 (APP/C1570/W/19/3223694) for up to 74 homes at the appeal site. All parties agree that this is a material consideration. The Statement of Common Ground (SOCG) is undated and unsigned, but the Council and appellant confirmed at the hearing that I should treat its contents as agreed.

Main Issues

7. The Council confirmed in writing, and again at the hearing, that despite the second reason for refusal there is sufficient information before me to judge the effect of the proposal on the significance of heritage assets.
8. Accordingly, the main issues in this appeal are:
 - Whether the appeal site is a suitable location for the appeal scheme, with reference to the spatial strategy in the development plan;
 - The effect of the proposed development on 1) the character and appearance of the area, including the landscape; and 2) the significance of the Church of St Mary the Virgin, a Grade I listed building, through development in its setting;
 - If there is a conflict with the development plan taken as a whole, whether other considerations indicate the proposal should be determined otherwise than in accordance with it.

Reasons

The suitability of the location with reference to the spatial strategy

9. The appeal site is outside the defined settlement boundary of Newport and is therefore in the countryside for the purposes of applying the policies of the Uttlesford Local Plan 2005 (LP). Policy S7 of the LP seeks to manage development through spatial and landscape provisions. The spatial provisions seek to protect the countryside for its own sake by only permitting development that needs to be there or is appropriate to a rural area. The Council and appellant agree that the appeal scheme would not adhere to these spatial provisions.
10. Policy NQRHA1 of the made Newport Quendon & Rickling Neighbourhood Plan 2018 – 2033 (NP) is more recent than Policy S7 and has different stipulations. For example, the policy does not seek to protect the countryside for its own sake. Policy NQRHA1 takes precedence as the more recent policy. It supports proposals within the defined development limits but explains that development outside these areas will not be supported unless certain exceptions are met. The exceptions include infilling, sites for affordable housing, some business uses and development appropriate for a rural location, which is defined as agriculture, horticulture, forestry, outdoor recreation and other uses which need to be in the countryside. I take the latter to mean an inherent need to be in the countryside. Again, the Council and appellant agree that the appeal scheme would not adhere to Policy NQRHA1.
11. Accordingly, the proposal would be at odds with the spatial strategy set out in the development plan, which includes both the LP and the NP. This would be harmful

given the public interest in having a planning system that provides consistency and direction on account of being genuinely plan led.

The effect on the character and appearance of the area, including the landscape

Landscape Baseline

12. The appeal site is located within Landscape Character Area A1: Cam River Valley (LCA) as identified within the Uttlesford Landscape Character Assessment 2023 (ULCA). The LCA is dominated by the U-shaped landform created by the main river valley and its associated tributaries. Most of the LCA's key characteristics are informed by this topography. In particular, the flat valley bottom alongside the river and its tributaries has a more wooded character. This contrasts with the openness of the valley sides, which are generally given over to large arable fields enclosed by fragmented hedges. Some of these larger fields were historically of the 'Midland type' and were enclosed in the post medieval period. Because of this, the riverside habitats along the Cam and its tributaries are more important for biodiversity. Settlement in the LCA is concentrated along the valley bottom along a north south axis to reflect the transport corridors and valley form. A notable proportion of local buildings retain a strong local vernacular. Cross-valley views from higher ground are apparent with those in the wooded river valley more intimate.
13. Newport is one of the main settlements in the LCA. It is mostly located in a shallow valley formed by the River Cam. The linear form of the settlement is still very evident, especially in views from the east. The presence of the railway line and the River Cam has resulted in the village expanding to the west in more recent times. The ULCA specifically records the recent expansion of Newport to the northwest (referred to as Wicken Lea) as not being well-integrated into the landscape and thus a local detractor. Pressure for increased development on the edges of Newport is also identified as a force for change that may be detrimental to the rural landscape character and relative sense of tranquillity in the LCA. Landscape guidelines set an overall strategy for the LCA, which includes enhancing its rural character, conserving cross-valley views, especially towards the wooded valley floor, extending riparian woodland and wetland habitats along the River Cam and its tributaries, and integrating urban fringe elements. Regarding the latter, the ULCA suggests future residential expansion on valley sides should be small-scale and respectful of the historic settlement pattern and vernacular.
14. The appeal site encompasses an arable field to the west of the village broadly located between Wicken Road and the Wicken Water Marsh Local Wildlife Site (LWS). Wicken Water is a tributary of the River Cam. The appeal site has a marked topography as the land falls from the south to the north. This provides a scenic quality. Indeed, open views across this small valley are possible from Wicken Road and School Lane. These pleasant views are towards the small woodland along the banks of Wicken Water and the opposite side of the shallow valley. The dense modern development to the north of the appeal site has a presence and is a detractor on account of its hard edge. As is the distant power lines and the noise of the M11. There is a notable view from the footpath alongside Wicken Water back towards the Church and the historic core of the village. The rural valley landscape is especially experienced from this footpath, which also provides some recreational value and is relatively tranquil. Overall, the appeal site and its immediate environs exhibit many of the key characteristics of the LCA.

15. The parties agree that neither the appeal site, nor the landscape in which it is located, is a 'valued landscape' for the purposes of the Framework. Nevertheless, it does have notable scenic, perceptual and cultural heritage qualities which are of value and should be recognised.
16. The ULCA does not discuss the sensitivity of the LCA. Sensitivity being a product of an area's value and ability to accommodate change. This is instead considered in a separate Landscape Sensitivity Assessment (LSA) published in 2023. This assessment considered the sensitivity of the landscape around Newport by dividing it into two broad areas to the west and east of the village. The sensitivity of each land parcel was considered against a list of criteria¹ to enable an overall judgment. The appeal site is in Area N2, which was found to be of moderate sensitivity to residential development of 30-40 dwellings per hectare at 2-3 stories in height. The appellant is suggesting that this indicates that the appeal site is of moderate sensitivity to the appeal scheme. This is also the conclusion reached in the Landscape and Visual Impact Assessment (LVIA) submitted by the appellant. The Council's Landscape Officer has not overtly disputed what is said in either the LSA or the LVIA.
17. I am also mindful that when considering landscape value there is a comparative element. In this respect, the LSA has considered land parcels around all the main towns and villages in the district. Although of medium sensitivity, Area N2 was identified as being one² of the least sensitive settlement fringe land parcels in the LCA to residential development. It was also one of the least sensitive in the district overall. This indicates that Area N2 is sequentially better placed than other urban fringe land parcels in the district to take new residential development.
18. The ULCA, LSA and most recent LVIA were not before the previous Inspector. She found that the appeal site has medium to high value in landscape terms and a high sensitivity to change. The building blocks behind this conclusion were the published studies at the time, which included the County (2002) and District (2006) Landscape Character Assessments, which concluded that the Cam Valley is of relatively high sensitivity to change. However, the LSA considered a much smaller land parcel and is therefore an assessment of a finer grain. Furthermore, it is clear the authors of the LSA did consider the value and sensitivity of the appeal site to some extent, as they refer to the rising valley sides from Wicken Water, the wooded valley along Wicken Road and Bury Water Lane and the importance of the views northwards over open countryside from Wicken Road.
19. That said, the LSA considered a reasonably large area of land around Newport. For this reason, it includes a caveat that it should not be interpreted as a definitive statement on the suitability of certain locations for a particular development. It also states that all developments will need to be assessed on their individual merits. As explained above, the LVIA has done this. There are, however, other assessments that have specifically considered the value of the appeal site.
20. In 2007 a Historic Settlement Character Assessment of Newport (HSCA) identified the appeal site as Sector 4. It describes it as forming the main western approach to the village and having an open quality with a band of trees to the north. It goes on

¹ Physical character, natural character, sense of time depth, character and setting of settlement, visual character and perceptual and scenic qualities

² Alongside a land parcel to the south east of Saffron Walden

to explain that the land provides an important close relationship between the countryside and Newport Conservation Area (NCA) and that the urban edge of the village is crisply defined by School Lane. It also notes that the periphery of the NCA is denoted by some important unlisted buildings that overlook the southeast corner of the appeal site and that historic cottages in Bury Water Lane relate to the northeast corner. The study finds that development in Sector 4 would seriously diminish the sense of place and local distinctiveness of the settlement.

21. The HSCA was published in August 2007 and therefore before the boundary of the NCA was amended in December 2007. The amendments removed the area of modern development east of the appeal site and west of the Church. As such, the close relationship between the countryside and NCA is now diminished. However, the HSCA does explain that *the existing conservation area has recently been appraised, and its extent as now defined is an accurate definition of the historic core*. This suggests the authors of the HSCA may have been aware of the pending alterations to the NCA boundary when arriving at their findings.
22. In any event, the appeal site still provides a close relationship between the countryside and parts of NCA, these being the Bury Water and Wicken Road limbs. Indeed, the Newport Conservation Area Appraisal (CAA) highlights the view from Wicken Road across the appeal site as an important one, explaining that *towards the western edge of the conservation area the buildings cease and the space dramatically opens out providing fine views northwards over fields to the countryside beyond and on the west end of Bury Water Lane the scene opens out creating a pastoral scene with a stream, grassy banks and footbridge. This is an important open space*.
23. Since the publication of the HSCA and the CAA, and as previously mentioned, the Wicken Lea development has occurred to the north of the appeal site. All parties agree that this is a disjointed and stark addition to the village, some of which is incongruously arranged over three stories in height. It has an adverse effect on views from Wicken Road. However, it is in the middle distance, with the foreground vista being towards Wicken Water Marsh LWS and the surrounding poplar trees. It is also possible to see the rolling fields beyond Wicken Water and Bury Water Lane from this location. School Lane has been slightly urbanised on account of a new footpath, but it still forms a crisp boundary. The Inspector in 2019 therefore concluded that the findings in the HSCA were 'of relevance'. I share this finding because there has been little physical change to the area since 2019.
24. Furthermore, many of the findings in the HSCA are encapsulated in the NP. Indeed, the appeal site is present within six important views as defined in this document, with the wording used to describe them being similar to that in the HSCA. These are viewpoints (VPs) 5, 6, 7, 8, 9 and 18. Of note is that the rural setting of the village and the importance of the Church as a local landmark are evident in VP5. The Wicken Lea development is not the focal point in VP7 and is described as glimpsed in VP6. VP8 captures the intervisibility along School Lane between the two western limbs of the NCA and their connection with the countryside. VP18 is described as a view that has changed little in 100 years and VP9 as a bucolic entrance to the village, with Wicken Lea screened by the poplar trees. These trees may be removed one day, but that would result in both positive and negative effects such as exposing the development whilst also expanding the panoramic view of the shallow valley. Map 18 of the NP specifically identifies the appeal site as part of Newport's setting within the surrounding countryside.

25. Drawing this all together, the appeal site is representative of the key characteristics of the LCA and exhibits several qualities. It is not a valued landscape but has attributes of value. The previous Inspector came to a view that the appeal site is of medium to high landscape value and has a high sensitivity to change. Consistency is an important cornerstone of the planning system and therefore I am reluctant to depart from this clear finding without robust justification, especially as little has changed on the ground since then. However, the landscape evidence before me is different. In particular, the LSA has concluded that the appeal site is in a tract of land (Area N2) that is of moderate rather than high sensitivity to residential development and is also of comparatively less sensitivity than other settlement fringe locations. These assessments were not site specific though. The LVIA was, but a similar assessment was before the previous Inspector. Alternatively, the HSCA and NP accurately describe the site as being important to the sense of place and local distinctiveness of the settlement. This is also reflected in the representations from interested parties. Overall, when having regard to all I have read and seen, I share the previous Inspector's view that the appeal site is of medium to high landscape value and has a high sensitivity to change.

The effects of the scheme

26. The construction of up to 90 homes, with associated works such as garages, roads and driveways, would result in the permanent loss of a field which provides a rural landscape setting to Newport and its historic core to a lesser extent. This would result in harmful cumulative effects to landscape character given the other modern development to the west of the village, including Wicken Lea. The proposal would also seriously erode the rural setting and relative tranquillity of the footpath that crosses the site. From this location, the proposal would be experienced as a strident encroachment into the shallow valley formed by Wicken Water. The bucolic approach into the village along Wicken Road would also be diminished. As a large and compact body of houses on the valley side, rather than something of a smaller scale, the proposal would not reflect guidelines in the ULCA.
27. That said, the expansion of Newport has generally occurred to the west, and the impacts of the scheme should be considered in this context. Moreover, the appeal scheme would not extend any further west than the existing houses along Wicken Road, which would provide some containment. Indeed, the appeal site is broadly contained by surrounding development to three sides, although the development along School Lane is sparse and Wicken Lea is separated from the appeal site by the Local Wildlife Site. The proposal could also respond to some of the guidelines in ULCA by incorporating additional tree planting along the wooded valley floor, providing small meadows alongside Wicken Water and additional structural planting to its western edge to define the urban fringe.
28. However, the appeal scheme would include a significant uplift in the number of homes (16 more) than the previously dismissed proposal. Land would also be included for a community building. As a result, the intention is for development to be denser and taller than the scheme previously dismissed. Indeed, the Design and Access Statement refers to 3 storey buildings with a large part of the site being 30-40 dwellings per hectare (dph), albeit with an average net density of 31dph because the outer edge would have a lower density. This is unlike the previous scheme which was described by the Inspector as being relatively low density (at around 24dph).

29. Measuring a scheme's impact with reference to density alone can be problematic, as a scheme could advance a low density but consist of large and dominant houses. Accordingly, the Planning Practice Guide³ refers to other yardsticks, such as plot ratios. The appeal before me does not include this detail, but high-level design principles have been outlined in a development framework plan. These are broadly endorsed by the Council's Urban Design Officer but are very similar to the dismissed scheme which was found to be unacceptable. The appellant has not sought to notably amend the design principles because the Inspector's previous concerns related to the principle of developing the site. That is true to an extent given the outline nature of the previous proposal.
30. However, it has not been demonstrated how increasing the number of homes to 90 could have a lesser impact than the previous scheme for 74. Unlike in 2019, the current proposal is not supported by an illustrative layout demonstrating how the scheme could be accommodated in the site. Ultimately, I share the view of the Council and Parish Council that increasing the number of homes would increase the sense of harmful urbanisation described above (and by the previous Inspector). This is because the scheme before me would very likely be more intense and compact with greater activity and built form. It is highly unlikely the proposal could be a gentle or sufficiently verdant transition from the settlement to the countryside.
31. Visualisations have been submitted, but these show a poor scheme dominated by garages and wide gables with a hard suburban form and disjointed street scenes, especially along Wicken Road and School Lane. The Council's Conservation Officer has also identified several inconsistencies between the visualisations and the development framework plan. There are no visualisations within the LVIA. Accordingly, there is little before me to provide comfort that 90 homes could be provided on the site in a way that positively responds to many of the landscape guidelines in the ULCA and the important views in the NP. There may be other planning reasons for increasing the number of homes, which is a point I will return to, but the suggestion there would be no additional adverse consequences relative to the previous scheme is entirely unconvincing. For these reasons, the initial major/moderate adverse effect on landscape character would be slow to diminish.
32. In visual terms, the appeal scheme would have a negative effect on all the important VPs in the NP outlined above. The greatest effect would be to VP5, where major harm would occur, and endure. A view to the Church as a landscape feature could be retained, but the open agrarian foreground would be lost to an assertive housing estate on higher ground than the footpath. Other notable impacts would be the erosion of the bucolic entrance to the village experienced in VP18 and the rural character of School Lane in VPs 6 and 8. The cross-valley views in VPs 7 and 9 would be seriously harmed by the presence of a housing estate in the foreground. Indeed, the view to the Local Wildlife Site from the north would be largely lost.
33. The appellant suggests that view corridors could be designed in at the reserved matters stage, but it is unclear how this could be meaningfully achieved given the number of homes proposed alongside a community building. The visualisations provided do not show successful view corridors from Wicken Road. The appellant has also suggested that the harm to VP7 could be mitigated because a similar view would be available to the west of the scheme once constructed. However, that

³ Paragraph: 005 Reference ID: 66-005-20190722

would be an attempt at compensation rather than mitigation. Although the visual impact would be localised, the scheme would be apparent in filtered medium distance winter views from Bury Water Lane (VP21 in the LVIA) and the footpath to the west of the appeal site (broadly in the location of VP20 in the LVIA).

34. New landscaping would soften the impacts, but the effectiveness would be diminished by the rising topography and number of homes. Indeed, the dense form of the proposal is unlikely to leave space for structural trees to develop as a means of internally breaking up the roof scape and form of the residential blocks. Properties could be orientated to have active edges as a means of facing receptors and framing public spaces, and the dwellings could be designed to reflect the local vernacular. Moreover, the appellant confirmed that a condition could be imposed to restrict the height of the homes to two stories. In combination, these points would provide some meaningful mitigation. Overall, the visual impact would likely fall from major to moderate adverse around 15 years after completion.
35. The previous Inspector found that a scheme for up to 74 homes at the appeal site would seriously diminish the sense of place and local distinctiveness of the settlement. Rather than seeking to soften the impact of that proposal, the appellant has instead notably increased the number of homes now proposed. A scheme for up to 90 homes would have a greater adverse effect. Overall, the proposal would have a significant adverse effect on the character and appearance of the area.

Conclusions on character and appearance

36. For the reasons given, the proposal would be contrary to the landscape provisions in Policy S7, which states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. As an intense urbanisation of a field that is important to the rural character of the village, the proposal would not be sensitive to the setting of Newport. As the design and layout are not before me, it is unclear whether the scheme would take into account the important local views and adequately mitigate the adverse effects upon them identified above. The indications are that the scheme could not due to the number of homes proposed. I therefore share the view of the Parish Council that the scheme would be at odds with Policies NQRHA2 and NQRGSE3 of the NP. Similarly, as the proposal would not maintain cross valley views, and would seriously diminish the Church's contribution to the landscape, there would be a conflict with Policy NQRHA3 of the NP taken as a whole. I share the view of the appellant that Policy ENV3 of the LP is not engaged.

The effect on the significance of the Church of St Mary the Virgin

37. The Church derives significance from its historic, communal and architectural value as an important and well-preserved medieval building used by, and central to, the local community. It tells us much about building styles and techniques, bygone lifestyles and society more generally. Its setting contributes to how these values are experienced. In particular, the Church is located at a high point in the village and is therefore both imposing and prominent in local views from the historic core of Newport and the surrounding countryside. Indeed, the Church tower has been a local landmark and focal point for many centuries, having a functional role for both villagers and those living in the surrounding rural area.
38. The values and significance identified above can be experienced from locations to the west of the Church. When approaching the village from this direction along the

footpath that adjoins Wicken Water, the prominence of the Church's tower is front and centre because it notably projects above the roof scape of other buildings. This provides a visual connection between the tower and its rural context. It is also possible to see the tower when looking east along Wicken Road. It is a little less prominent in this view, but it is nevertheless possible to experience the Church in the same way as villagers have for centuries. This is because Wicken Road is probably the main historic route into the village from the west.

39. The prominence of the building, and the ability to see it in views from the countryside, has remained despite the construction of more modern development at Meadowford and Gilbey Green. The view of the tower from the Wickham Water footpath is a fine one, but its importance is moderated somewhat because the landmark status of the tower and thus its historic, communal and architectural significance, can be experienced from other locations in the vicinity.
40. Visualisations provided by the appellant demonstrate that a scheme could be devised which would not block views of the Church in the vista along Wicken Road. However, the proposal would urbanise the existing open context provided by the appeal site and this would adversely change how the building is experienced. As already explained, it would be possible to create a planned view through the development towards the Church, but its landmark status and relationship with the countryside would still be seriously diminished if a large, compact housing estate is placed between it and the footpath along Wickham Water. Indeed, the proposal would erode the ability to experience the tower from the west of the village as many past generations have, this being from a rural context and in a way where it is gently revealed as the pedestrian moves closer to Newport.
41. Historic England have not objected to the proposal, but this is only because they did not offer any comments. I do not read the Council's Conservation Officer's comments as not raising an objection. Instead, they were not satisfied sufficient information had been provided. Ultimately, I have come to my own view. The appellant has suggested that the Council's Heritage Statement (Appendix 14 of their Statement of Case) states that the adverse effect on the Church could be avoided. However, the document at Appendix 14 makes no reference to the Church or Newport Conservation Area. In any event, I do not share the view that harm from a scheme of up to 90 homes could be avoided.
42. In conclusion, the proposal would result in a less than substantial harm to the heritage significance of the Church. The harm would be greater than minor but less than moderate on the 'spectrum'. This would be at odds with Policy ENV2 of the LP, which seeks to preserve the setting of listed buildings.

Other Considerations

43. As recorded in the SOCG, the Council and appellant agree that the proposal would not have adverse impacts in respect of several other matters, such as drainage. On the assumption this is correct, it follows there would be some compliance with the development plan. However, for the reasons set out above, the appeal scheme would be at odds with several important policies in the development plan. Ultimately, there would be a conflict with the development plan taken as a whole. An appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The provisions of the Framework and the benefits of the scheme are important other considerations in this instance.

The effect on the significance of Newport Conservation Area

44. I have not been directed to any policy within the development plan which is directly concerned with development in the setting of conservation areas. I have therefore considered this matter as an 'other consideration'.
45. The Newport Conservation Area (NCA) is focussed on the historic core of the village, which has a linear form on account of its location in a river valley. The CA encompasses a fine collection of attractive period buildings from several eras. It is therefore a repository of architectural styles and tells us much about the evolution of village life more generally. The townscape is also of interest, with the wide main thoroughfare of the High Street contrasting characterfully with the more intimate layout of Church Street and Elephant Green. Mature trees and greenery are another pleasing feature of the CA. These points combine to afford the CA evidential, historic and aesthetic value.
46. The NCA is a product of Newport's function as a historic agricultural community. The CA's significance is therefore intrinsically linked to the surrounding agricultural hinterland and is better revealed through such spatial and visual connections. These connections to the countryside are more pronounced to the east of the NCA as less intervening modern development has occurred. It is also easier to see the linear character of the settlement from this direction. Conversely, more modern development has occurred to the west of the NCA, and this has largely severed its direct connection to the open countryside. The appeal site is the only area of open countryside that now adjoins the western side of the NCA, these being the Wicken Road and Bury Water Lane limbs. In some respects, this elevates the importance of the appeal site as an open rural space in the setting of the NCA. However, there is no record of the land being linked to any building in the NCA and the valley side has been cumulatively developed.
47. The appeal scheme could be designed to incorporate setbacks from Wicken Road, Bury Water Lane and School Lane. In so doing, open areas could be provided adjacent to the junctions of Bury Water Lane and School Lane and School Lane and Wicken Road. The former would retain a modest spatial connection between the countryside and the NCA. However, the appeal site would otherwise be dominated by development and therefore the connection between the NCA and the countryside to the west would be much reduced, both in visual and spatial terms. Accordingly, the appeal scheme would result in less than substantial harm to the significance of the NCA. The harm would be towards the lower end of the 'spectrum'. This is a material consideration that weighs against the appeal scheme.

The effect on best and most versatile agricultural land

48. Paragraph 187(b) of the Framework states that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land. The appeal scheme would result in the loss of an arable field which I understand is best and most versatile agricultural land. The Council and appellant agree that this would be an adverse impact of the scheme, albeit a limited one given the relatively small area of farmland that would be lost. Accordingly, this is a material consideration that adds further limited weight against the appeal scheme.

The effect on the significance of 41-47 Wicken Road and 49-51 Wicken Road, which are non-designated heritage assets, through development within their setting

49. In this instance the appeal scheme would be within the setting of 41-47 Wicken Road and 49-51 Wicken Road. These are well preserved and attractive locally listed buildings that probably date from the 19th Century and impart evidential and aesthetic value. The architectural qualities that imbed their aesthetic value can be experienced from the footpath that adjoins Wicken Water. The appeal scheme would erode this view and thus the experience of these buildings. Consistent with the previous Inspector, the Council and appellant agree that this indirect harm to both groups of buildings would be minor. This is a material consideration that also adds limited weight against the appeal scheme. In accordance with Paragraph 216 of the Framework, this matter is taken into account in my planning balance below.

The emerging Local Plan

50. Paragraph 49 of the Framework states that weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency between the relevant policy and the Framework. In this respect, the emerging Local Plan (eLP) is at a reasonably advanced stage of preparation as hearings have taken place and a post hearing letter issued by the examining Inspectors and the Council has consulted on proposed main modifications. Adoption is anticipated in the first half of next year.
51. Emerging Core Policy 3 (CP3) of the eLP, establishes a settlement hierarchy. I have not been directed to any main modifications that have been proposed to this policy. This emerging policy states that there is a presumption in favour of sustainable development within a defined list of settlements, including Newport. Development will only be permitted outside these areas if allocated in the eLP or a Made Neighbourhood Plan or specifically supported by another policy. There is no emerging allocation for the appeal site, and I have not been directed to any other emerging policy that would lend support to the appeal scheme. As such, the proposal is at odds with emerging Policy CP3.
52. The appellant submits that the eLP should only carry limited weight. This is because of factors such as the extent of the windfall allowance and an absence of strategic allocations for 900 homes (including 300 directed to Newport), which is a notable proportion of the housing requirement. However, the proposed main modifications to emerging Core Policy CP2 retain the non-strategic allocations and the windfall allowance, albeit subject to minor updates to the figures. The 300 homes allocated to Newport has also been retained, although emerging Policy CP6 will likely be altered to ensure the Council steps in and allocates homes if they are not allocated in a Neighbourhood Plan within two years of the eLP being adopted.
53. The examining Inspectors will need to consider the representations made on the main modifications and are yet to prepare their final report. However, there seems to be a positive direction of travel in that there is no indication following the hearings that the eLP will be found unsound. The Inspectors provisional findings also suggest they will be content with emerging Policies CP2 and CP6 subject to main modifications and CP3 as drafted. It is therefore with some surprise that the Council afforded limited weight to the eLP when asked at the hearing.
54. The previous Inspector gave limited weight to the then emerging plan on account of substantial outstanding objections to fundamental aspects of the strategy within it,

the need to undertake further work and there being no clarity on when that plan would have been adopted. The Council are in a much better position now. There are still hurdles to pass so the weight to be afforded to the eLP is suppressed. Nevertheless, I share the view of the Parish Council that the eLP is at an advanced stage of preparation and consequently the conflict with emerging Policy CP3 carries moderate weight against the proposal.

The emerging Neighbourhood Plan

55. The emerging Neighbourhood Plan (eNP) has been drafted in the context of the eLP. It includes emerging Policy NQR1 which supports new development within the defined settlement limits but does not support it outside them subject to specific exceptions. The appeal scheme would not be any of the exceptions listed. Indeed, it would run entirely contrary to the main strategy in the eNP, which is to direct growth to the east of the village rather than the west. This approach is advocated for various reasons including minimising traffic and heritage impacts, the proximity to the village centre and rail line and to secure benefits to biodiversity from a new wetland nature park. The Parish Council confirmed at the hearing that they were not running a prematurity case pursuant to Paragraphs 50-51 of the Framework. However, they nevertheless consider the conflict with Policy NQR1 and the broader strategy of the eNP should carry moderate weight against the proposal.
56. That said, emerging Policy NQR1 is predicated on the housing requirement for the NP area being met through allocations in emerging Policy NQR2. One of these allocations is for approximately 300 homes. The appellant submits that an allocation of this size would be strategic in nature and therefore at odds with both Paragraph 18 of the Framework and the eLP if it is found sound, which direct only non-strategic matters to NPs. This is an unresolved objection that goes to the heart of the strategy and the draft policies. Furthermore, an eastern expansion would need careful consideration given the sensitivity of the landscape.
57. The eLP has been drafted over the preceding two years, including a Sustainability Appraisal, informal events with the public and positive engagement with some landowners and developers. It is also reasonably advanced due to the formal public consultation that has occurred. The Inspectors examining the eLP also seemed to indicate verbally that the delivery of non-strategic housing through NPs would be justified and effective. In indicating this position, the Inspectors had received evidence from Newport Parish Council and stated they had been impressed with what they heard. There is clearly a public benefit in supporting neighbourhood planning, especially when the community are prepared to proactively plan to meet the housing requirement through allocations.
58. However, the eLP has not been adopted yet and the NP is yet to be examined. It would be odd to afford the eNP similar weight to the eLP, which is more advanced. The examiner of the eNP will also need to grapple with the question of whether emerging Policy NQR2 is consistent with the eLP and the Framework. In this context, the conflict with emerging Policy NQR1 of the eNP carries more than very limited weight but less than moderate weight against the scheme.

Draft allocation

59. The appeal site was considered for a residential allocation after the previous appeal decision. Indeed, at a high level the site was identified as a 'preferred site option' in a Housing Site Selection Topic Paper, albeit subject to a detailed site-

specific policy aimed at addressing the harms previously identified by the Inspector. A subsequent Topic Paper recommended that the allocation is not pursued due to concerns about the effect on congestion and the capacity of the primary school. The Council also wished to adopt a strategy that permitted the local community to identify where growth should occur.

60. The technical reasons for not allocating the site - traffic congestion and school capacity – and not reasons for refusal. Indeed, neither the Local Highway Authority nor the Local Education Authority objected to the proposal. The appellant suggests this lends positive weight to the assessment of the appeal scheme.
61. However, I understand that the draft allocation would have been for 74 homes rather than 90. Moreover, the ability to mitigate the effects on primary education infrastructure is a neutral matter. An absence of severe harm to the transport network means there is no conflict with Paragraph 116 of the Framework in the context of assessing an application, but a less than severe impact on congestion and the road network may still be a material point when considering the spatial strategy for the area and site allocations. In any event, as a matter of fact the appeal site is not allocated for development and there is no emerging allocation proposing this either. Accordingly, this is a matter of very limited positive weight.

The benefits of the scheme

62. The appeal scheme would deliver up to 90 homes. The weight to be afforded to this benefit is informed by the context. Presently, the Council can only demonstrate a housing land supply of 3.42-3.46 years at odds with the Framework's aim of significantly boosting the supply of housing. This is not vastly different from the situation in 2019 (3.29 years), but the shortfall has risen from approximately 1,300 to 1,537 homes in that period.
63. In addition, the Housing Delivery Test measure has fallen from 147% of the requirement to 67%. In the last six years the Council have not adopted a new Local Plan or approved enough homes. It was described at the hearing as a 'failure of policy' and this seems a fair description. This has real world consequences. Indeed, housing affordability in the local area is dire whether this is measured against workplace or residence-based earnings. Uttlesford is a very expensive place to live, and Newport is an expensive location within the district. Written Ministerial Statements⁴ (WMS) have explained the immediate need to approve housing to help address affordability and boost the economy.
64. That said, the Council has been trying to address the situation by working on a new local plan that will bring forward more land for development in a planned way. The version referred to by the previous Inspector was withdrawn due to concerns about soundness. The Council has nevertheless moved quite quickly in producing another draft that is in the process of being examined. As already explained, the signs look positive that it will be adopted next year, and the examining Inspectors indicated that it is *very possible that the council will be able to show a five-year housing supply on or shortly after.... adoption*.
65. However, the housing requirement in the eLP is not the figure derived from the standard methodology. Moreover, the post hearings letter from the Inspectors has explained that a five-year supply may not be demonstrated upon adoption of the

⁴ 'Building the homes we need' - Statements made on the 30 July 2024 and 12 December 2024

plan. The Council are confident that it will, but the examining Inspectors have recommended a proposed main modification confirming that a Local Plan Review will commence around six months after adoption if a five-year supply position is not demonstrated. Consequently, there may be a short-term need for small to medium sized housing sites to establish a five-year supply. The appeal scheme would assist with this as the aim is to deliver it quickly.

66. Furthermore, even if the eLP is adopted, the eNP would then have to be made if sites are to come forward as part of a plan led approach in the NP area. As explained above, there is inherent uncertainty at this stage whether the eNP will be made. If not, then the Council would need to step in and allocate sites. Accordingly, there would be a time lag between adoption of the eLP and delivery of homes on the ground. The appeal scheme would assist in providing a buffer during the time lag. This may result in the number of homes in Newport going beyond the 330 the eNP is seeking to allocate, but this is a minimum not a ceiling. The appellant would accept a condition requiring commencement within three years to help ensure delivery in the short term. I am also mindful that the appeal scheme is proposing 16 more homes than the previous scheme so there is a greater benefit. For all these reasons, the delivery of up to 90 homes is a benefit that should carry very significant positive weight in the balance.
67. In addition, the proposal would deliver 40% of the homes as affordable housing. This is secured through the necessary planning obligation and would be a notable benefit given the challenging local position with affordability. Again, this is a matter of very significant weight.
68. The proposal would result in new homes adjacent to a settlement which is well served by local facilities. The proximity of primary and secondary schools and a rail station are particular benefits in this regard, although the latter does not have a regular service outside of peak hours. The proposal would also assist the vitality of the village, but I am mindful that it has already experienced a very high level of growth recently and there is nothing before me that demonstrates local facilities, clubs or organisations are suffering for want of membership and patronage. Overall, the 'sustainable location' of the development and its efficient use of land would be benefits of significant weight.
69. Constructing the houses would result in a notable boost to the construction sector and future occupants would also spend in the area. This would result in significant economic benefits as set out in an undisputed Socio-Economic Benefits Statement. The Council would also gain additional Council Tax receipts, although it would also be put to the cost of providing services for future occupants. Some of the funds secured by the planning obligation could benefit the existing community. However, it is primarily aimed at mitigating the impacts of the proposal and is therefore a matter of little weight. It was agreed at the hearing that a New Homes Bonus is unlikely to be triggered by the scheme and is not a factor in the balance.
70. The provision of public open space, recreation and play facilities would also be a benefit, but the evidence before me does not demonstrate there is a substantive deficit of such locally and the area provided, and its configuration, would reduce the likelihood of it being a destination. Moreover, the proposed cycle and pedestrian footway would not really add much because there is already a pavement along School Lane and Wicken Road. This would be a benefit of limited weight. The

scheme would achieve a biodiversity net gain of at least 10%, as it is required to do. This would be a benefit of moderate weight given the biodiversity crisis.

71. The appeal scheme includes an area of serviced land that would be made available for a community use. However, the evidence before me does not really demonstrate it is necessary or that there is any local group that has expressed an interest in it. Some comments were made during the public consultation about a community use, such as a children's nursery, but there is little to suggest there are available funds or a group ready to develop the space or even actively explore doing so. Overall, there is little of substance to suggest anything would be delivered on this land and therefore it is a matter of limited weight as a benefit. Nevertheless, the benefits taken together carry very great weight.

The heritage balance

72. Paragraph 215 of the Framework states that less than substantial harm to a designated heritage asset should be weighed against the public benefits of a proposal. This 'heritage balance' is not encapsulated within Policy ENV1 of the LP, rendering it inconsistent with the Framework. I have therefore addressed the heritage balance below as a material consideration.
73. In calibrating the heritage balance, the Framework states that designated heritage assets are an irreplaceable resource that should be conserved for existing and future generations. Accordingly, great weight is given to an asset's conservation and the more important the asset the greater the weight should be. Conservation in this context means sustaining, and thus not harming, an asset's significance. It is not an instruction to dismiss a proposal that would harm the significance of a designated heritage asset, but it establishes a strong presumption in favour of preservation, which is to do no harm. This is synonymous with the considerable importance and weight that must be given to the statutory duty to pay special regard to the desirability of preserving a listed building or its setting⁵.
74. Whether the public benefits of a scheme are of sufficient force to outweigh the considerable importance placed on the harm will be a case specific matter having regard to factors such as the degree of harm, the importance of the asset and the extent of the benefits. In this respect, the proposal would result in limited harm to the significance of the Church. This is a particularly serious matter given the Church's Grade I listed status. Also, the proposal would result in limited harm to the significance of the CA. This is also a matter of great weight.
75. For the reasons set out above, the public benefits of the proposal are collectively matters of very great weight. Indeed, in this instance, and on balance, the benefits would be of sufficient force to collectively outweigh the less than substantial harm that would occur to both designated heritage assets. It follows that the effect on heritage in isolation does not justify dismissing the appeal.

Paragraph 11 of the Framework

76. As the Council are currently unable to demonstrate a five-year housing land supply, the presumption in favour of sustainable development at Paragraph 11d of the Framework is engaged. This states, in the first instance, that permission should be

⁵ See Sections 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

granted unless the application of policies that protect areas or assets of particular importance provides a strong reason for refusing the proposed development.

77. Prior to the most recent changes to the Framework, the terminology used was a 'clear reason'. The change to a 'strong reason' can be interpreted as a strengthening of the test. As already outlined, the public benefits of the scheme would outweigh the harm to the significance of designated heritage assets, even when allowing for the great weight that the harm carries. Thus, the application of policies relating to designated heritage assets is not a strong reason for refusing the proposal. As such, the second limb of Paragraph 11d is engaged.
78. This states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole. In so doing, the Framework requires particular regard to be given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. The latter has been added⁶ to ensure the operation of the tilted balance does not result in poor quality development. The appeal scheme performs well against these key policies, but there is some ambiguity over whether the proposal would be well designed given the significant harm that would occur to the character and appearance of the area.
79. For the reasons already set out, the proposal would have benefits of very great weight. Alternatively, the appeal scheme would be a significant departure from the spatial strategy in the LP and the NP. However, the spatial strategy in Policy S7 was predicated on housing projections from the early 1990s and is failing to deliver enough homes contrary to the expectations of the Framework. Policy NQRHA1 is infected by this failing. Indeed, the Council's housing supply is currently reliant on permitting sites outside of the settlement boundaries. The WMSs explain that housing may need to be approved outside of settlement boundaries in such circumstances. As such, the conflict with the spatial provisions in Policies S7 and NQRHA1 carries limited weight.
80. Constructing housing on a green field site in the countryside will inevitably result in some harm to the character and appearance of the area. However, in this instance I have concluded that the western side of Newport in the vicinity of the appeal site is sensitive to housing development given the locally important views, the proximity of the nature reserve and built heritage, the public right of way and the sloping topography. Ultimately, the proposal would significantly harm the character and appearance of the area contrary to Policy S7 of the LP and Policies NQRHA2, NQRGSE3 and NQRHA3 of the NP. Although deemed out of date on account of the housing land supply position, these policies are consistent with the Framework and consequently the conflict with them is afforded significant weight.
81. The Framework states at Paragraph 135 that proposals should be sympathetic to local character, but the proposal would not achieve this given its scale. Moreover, Paragraph 139 of the Framework states that development which is not well designed should be refused. Aspects of the proposal could be well designed, but I note the importance the National Design Guide places on context and identity when outlining a well-designed place. The proposal would also fail to recognise the intrinsic character and beauty of the countryside. This is a policy with a protective

⁶ See Paragraph 17, and the WMS - 'Building the homes we need' - made on the 12 December 2024

element, albeit the level of protection is not as high as a valued or nationally designated landscape. Overall, the impact on the character and appearance of the area is an important matter against the scheme.

82. Added to this, there would be harm to the significance of designated heritage assets. One of which is a Grade I listed building and therefore one of the most important structures in the country. These are separately matters of great weight despite the level of harm being towards the lower end of the spectrum of 'less than substantial harm'. In isolation, the harm to designated heritage assets would not outweigh the benefits of the scheme, but it is still a factor to be considered collectively with the other adverse impacts.
83. Furthermore, there would be harm to the setting of non-designated heritage assets and from the loss of agricultural land. These matters carry low levels of weight. The conflict with the eLP and the eNP are also adverse impacts of the scheme. Collectively, the adverse impacts carry weight of a high order.
84. The 'tilted balance' in Paragraph 11 of the Framework is designed to allow harm. It is only where that harm would significantly and demonstrably outweigh the benefits should permission be refused. The previous Inspector concluded that would be the case in respect of the smaller scheme she considered. This is a useful start point in my assessment as there is a public interest in consistency. However, there have been changes since then. The benefits carry more weight, and the evidence base and policy context has altered. However, the harm to the character and appearance of the area would be greater from a denser scheme and there would be conflicts with emerging policies. Ultimately, I have come to my own view.
85. In this instance, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Accordingly, the operation of the presumption in favour of sustainable development in Paragraph 11 of the Framework is not a material consideration that indicates the proposal should be determined otherwise than in accordance with the development plan.

Other Matters

86. Various concerns have been raised by interested parties, especially in respect of highway safety and congestion. However, given my findings above, it has not been necessary for me to address these matters further as the appeal has failed on the main issues and other considerations assessed. It has also been suggested that Paragraph 14 of the Framework is relevant, but it has not been necessary to go into this due to my findings above.

Conclusion

87. The proposed development would be contrary to the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR

APPEARANCES

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INTERESTED PARTIES

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Judy Emanuel, Newport Parish Council and Uttlesford District Councillor

Neil Hargreave, Uttlesford District Councillor, Deputy Leader

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Draft planning obligation submitted during the hearing
2. House price affordability based on residence-based earnings
3. Post hearing revised draft planning obligation received 26.11.25, which included provisions relating to farmland bird habitat compensation
4. Appellants note regarding the effect on farmland bird habitat dated 26.11.25
5. Council's comments on document 1 above
6. Appellant's comments in response to document 5 above and Certified copy of the final planning obligation dated 03.12.25
7. Council's comments in response to document 3 above – only in relation to the farmland bird compensation clauses
8. Appellant's comments in response to document 7 above