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## Appeal Decision

Inquiry held on 18-21 and 25-27 July 2017

Site visit made on 25 July 2017

**by Julia Gregory BSc (Hons), BTP, MRTPI, MCM**

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

**Decision date: 06 September 2017**

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### **Appeal Ref: APP/Z1510/W/17/3173352**

#### **Land off Finchingfield Road, Steeple Bumpstead**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Braintree District Council.
  - The application Ref 16/01665/OUT, dated 30 September 2016, was refused by notice dated 1 February 2017.
  - The development proposed is the resubmission of application 16/0410/OUT-outline planning permission for up to 65 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Finchingfield Road, pedestrian access to George Gent Close and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access.
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#### **Decision**

1. The appeal is dismissed.

#### **Preliminary matters**

2. A linked appeal, reference APP/Z1510/W/16/3157939 in respect of a larger scheme on the same site, was withdrawn on 3 May 2017.
3. The application is in outline with all matters apart from the means of access reserved for future determination. The appellant accepted at the inquiry that the scale on the access plan no A095603-P001 Revision B should be 1:1000 and not 1:500. A corrected plan was submitted at the inquiry. I consider that there would be no prejudice in determining the appeal on the basis of the corrected plan.
4. An indicative Development Framework Plan reference 7013-L-01 G was considered by the Council when it determined the application. The appellant relies on this plan heavily to demonstrate features of the scheme. Furthermore, it was suggested by the appellant that a planning condition might require that any subsequent reserved matters generally comply with the plan. I shall therefore determine the appeal on the basis of the general features indicated in the Development Framework Plan.
5. Various photomontages were submitted for consideration at appeal by the appellant. I acknowledge that they are based on the extent of development indicated in the Development Framework Plan, but as the application is in

outline, levels may be altered somewhat and layout, scale, and design, including materials, are for later approval, I attribute those photomontages limited weight. Nonetheless, they do give a good indication of viewpoints, and constraints on viewpoints. I have the same comments about the Council's line drawings.

6. A Unilateral Undertaking (UU) dated 26 July 2017 was submitted by the appellant at the Inquiry. The UU makes provision for 40% affordable housing, a payment of £24,610 for health care provision in Steeple Bumpstead, a formula based contribution for secondary school transport provision for 5 years, a formula based contribution for open space and provisions for the delivery and maintenance of open space.
7. A planning statement of common ground between the Council and the appellant confirms that the submission of the UU overcomes the Council's second reason for refusal.
8. The development plan includes the saved policies of the Braintree District Local Plan (LP) and the Core Strategy (CS).
9. The appellant and the Council agree that the five year housing land supply should be considered against the most up to date objectively assessed need (OAN) for the District which they agree consists of 716 dwellings per annum (dpa). Against this the Council cannot demonstrate a five year supply of deliverable housing sites. The parties agree that there is between 3.1 years and 3.91 years housing land supply. The difference is whether or not the shortfall should be made up within 5 years. I consider that in the absence of any examined up to date plan setting out provision to the contrary, that it should accord with national advice to make up the shortfall within 5 years.
10. Paragraph 49 of the National Planning Policy Framework (the Framework) specifies that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites.
11. Paragraph 14 of the Framework identifies the approach that should be taken in those circumstances. The Framework specifies that where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, or specific policies of the Framework indicate that development should be restricted.
12. Policies in the development plan might also be out of date when considered in the light of their consistency with the Framework, and that will affect the weight that can be accorded to them. The starting point however is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is an important material consideration, as it is national policy.
13. It is not disputed that the land is in the countryside, outside of the settlement. CS policy CS 1 identifies housing provision and delivery, showing where development will be provided up to 2026. Steeple Bumpstead is identified as an "other" village which with other similar villages, would have a combined provision of some 300 homes. Because the Council cannot

demonstrate a deliverable 5 year supply of housing, this policy is not up to date and I attribute it limited weight.

14. There is an emerging local plan which at the time of the inquiry was subject to its final consultation before being submitted to the Secretary of State for Examination. I acknowledge that the plan is in the later stages of being formulated. Nonetheless, until the plan progresses further and the level and nature of unresolved objections has been ascertained, I cannot be sure of the extent that the plan may change. Because of that, having considered paragraph 216 of the Framework, I accord it limited weight.

### **Main Issues**

15. The main issues are:

- the effect on the setting of the Steeple Bumpstead Conservation Area;
- whether the development would preserve the setting of the grade I listed Church of St Mary the Virgin;
- the effect on the landscape character of the area; and
- whether the location would provide adequate access to shops, facilities and services so as to provide a suitable residential location for the future occupiers of the development.

### **Reasons**

#### *Heritage matters*

16. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. S72 (1) of the LBA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
17. Up to 65 dwellings would be located on what is currently arable farm land lying to the south east of Edith Cavell Way, Ann Coles Close, and George Gent Close, parts of a modern housing estate on the edge of Steeple Bumpstead. That estate separates the site from the edge of the conservation area which comprises the historic core of the village.
18. There are many buildings dating to the 16<sup>th</sup> and 17<sup>th</sup> centuries in the conservation area. The conservation area contains some 21 listed buildings including the grade II\* listed Moot Hall and the grade I Church of St Mary the Virgin. The church is the oldest building in the conservation area dating back to the 11<sup>th</sup> century. The church tower dates from the 11<sup>th</sup> century but was altered in the 16<sup>th</sup> century.
19. The site overall covers some 4.75 Ha, but the dwellings would cover only some 2.17 Ha. They would be located close to existing dwellings, at a density of some 30 dwellings per hectare. Public open space amounting to some 2.42 Ha would form the southern boundary and a sustainable drainage feature amounting to a further 0.16 Ha would be sited close to the north west boundary. The vehicular access would be located off centre to the site

frontage on Finchingfield Road, and a footway would be created to connect from the access to the footway at Edith Cavell Way.

20. The site is close to the conservation area but is not immediately attached to it. There is no character appraisal of the conservation area, but its character is made up primarily of the buildings and spaces in the medieval layout that it comprises. There was much discussion at the Inquiry about the appearance of the existing dwellings on the edge of the conservation area. These dwellings are relatively standard house types which pay little heed in their layout or design to their historic context. Nonetheless, that there are buildings that detract from the setting of the conservation area and setting of listed buildings on the southern edge of Steeple Bumpstead is not a good reason to exacerbate any harm.
21. Steeple Bumpstead is a small rural settlement with agricultural connections to the surrounding landscape. The church tower can be seen from various viewpoints in the surrounding agricultural landscape indicating a key building within the conservation area and wider landscape. As such the appeal site on the valley side is important in terms of the overall settlement character, and cross valley views are important locally. This is a sensitive location.
22. There would be a new estate that would increase the distance between the historic core and the countryside. This increase in distance, in itself, would not be of a sufficient distance to be significant. Nonetheless, the development would not establish a strong sense of place in a way that responds to local history and character as it would be a suburban style estate development, it would remove an existing frontage hedgerow, and it would create an estate access road with visibility splays and a footway on the northern side of that access.
23. Although there might be some views of the church from within the estate itself created, the development would exacerbate the harm to sense of place created by the modern estate that already exists adjacent to the southern edge of the conservation area.
24. The name Bumpstead is thought to derive from "the place where reeds grow". This reflects its location at the bottom of a valley. The development would not respect the historic settlement pattern on the lower land in the valley bottom since it would extend development out of the valley and would be on rising land above the 70m contour.
25. Also, some views to the church tower would be framed by the development beyond, the characteristics of which would be a jarring contrast to the listed building rather than the arable field that it is currently. When approaching from the south and on some of the footpaths locally to the south and east, the appreciation of the settlement would be eroded because of the new development.
26. The tower is a key element of the church's historic and architectural importance and significance. There are a number of views from local footpaths and along Finchingfield Road in the countryside that are important in the setting of both the church and the conservation area.
27. I acknowledge that views from the church tower towards and across the appeal site would be altered by the development but this is not a viewpoint

that is open to the general public or from where the asset's setting would normally be experienced. Nonetheless, on the approach along Finchingfield Road from the south of the village, along what is the main north /south route through the village, the tower would be seen very much in the context of the new estate which would adversely affect people's experience of and ability to appreciate the historic rural setting and significance of the church and the conservation area.

28. Also from the north, it has been identified that along a stretch of Haverhill Road and also from public footpaths 10 and 7 the increased backdrop to the church and the village would be that of a housing estate. These views would be relatively fleeting, but they would nonetheless create less than substantial harm to the setting of the heritage assets. The setting of the church would not be preserved.
29. CS policy CS 9 and saved LP policies RLP 90, RLP 95 and RLP 100 all seek to conserve local features of architectural, historic and landscape importance, including the setting of listed buildings and designated conservation areas. Whilst these policies do not contain the balancing requirement of the Framework contained in paragraph 134 they reflect the statutory tests and therefore, unlike my colleague in the Silver End case,<sup>1</sup> I consider that they should be accorded considerable weight. Although RLP 100 mostly refers to alterations, extensions and changes of use to listed buildings, it does include reference to their settings. It specifies that the Council will preserve and enhance the settings of listed buildings by appropriate control over development design and use of adjoining land. It is therefore relevant. The development would be contrary to all the aforementioned policies.
30. The less than substantial harm to the setting of the grade 1 listed church means that there would be a failure to preserve its setting. Therefore, the development would be contrary to the requirement of section 66 (1) of the LBA. Furthermore, there would be less than substantial harm to the setting of the conservation area.
31. Although the less than substantial harm to both heritage assets would be modest in scale, I attribute considerable importance and weight to the harm to the setting of both assets. Since the harm is less than substantial as referred to in Framework paragraph 132, paragraph 134 of the Framework applies. This identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
32. I acknowledge the public benefits of this proposal. The provision of many homes in a District where there is not a 5 year supply of deliverable housing sites by a considerable margin is a matter of significant weight. The housing provision would help to rectify this situation more quickly than waiting for the emerging local plan to allocate sites across the District. The appellant is confident that housing on the site could be delivered relatively quickly, albeit that the appellant is promoting the site rather than a builder. There would be the provision of 40% affordable housing on a site in an area where housing need is not being satisfied to a significant margin. This again attracts significant weight.

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<sup>1</sup> APP/Z1510/W/16/3146968 Land off Western Road, Silver End, Essex

33. The development might improve the demographic balance of the village but there is no mechanism to control the age of occupants and so therefore I attribute this little weight. There is nothing to indicate that the viability of the school is in question.
34. There would also be the economic benefits of the construction including jobs secured in building the dwellings and in the manufacture of building materials. People living in the homes would spend money in the local area including the shop and public houses and would participate in community activities. They would help to support local services and could work at home or in local businesses. I attach some modest weight to these benefits.
35. Open space provision would be a social benefit to both new residents and existing residents to which I attach modest weight. There might be modest biodiversity gains to which I attribute a little weight.
36. These public benefits, although together they would be significant do not outweigh the failure to preserve the setting of the listed church and the less than substantial harm that I have identified to this and the harm to the setting of the conservation area. These effects would be irreversible and affect this and future generations ability to appreciate the significance of these heritage assets.

#### *Landscape matters*

37. LP policy RLP2 sets village envelopes. Outside these areas countryside policies will apply. CS policy CS 5 seeks to strictly control development in the countryside in order to, amongst other matters, protect and enhance the landscape character and amenity of the countryside.
38. The Council and the appellant disagree as to whether CS policy CS 5 is up-to-date. The appellant argues that the policy is not up-to-date because the countryside protection is based on a locational housing strategy, which cannot be deemed to be up-to-date because the Council cannot demonstrate a 5 year housing land supply. Also it is argued that the control is strict and does not accord with the wording of the Framework in respect of one of its core planning principles set out in paragraph 17 bullet 5, and also the contents of Framework paragraph 55.
39. I accept that the policy does not reflect the exact wording of the Framework; its adoption pre-dated the publication of the Framework. For that reason the policy needs to be considered against paragraph 215 of the Framework. It is a policy firmly aimed at protecting the environment, landscape character and biodiversity of the countryside. This accords with recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it given in paragraph 55 of the Framework. I therefore consider that it should be given the greater weight identified in paragraph 215.
40. CS policy CS 8 concerns natural environment and biodiversity. Development must have regard to the character of the landscape and its sensitivity to change. Where change is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Although there is a character assessment there is no supplementary planning document produced.

41. The dwellings would be sited on land that is located within the Natural England National Character area 86, South Suffolk and North Essex Clayland. It is identified as a clay plateau dissected by small scale undulating river valley topography. The local landscape character assessment is contained within the Braintree Landscape Character Assessment September 2006 (LCA). Within the Braintree LCA the site is within the B2 Hemstead Farmland Plateau immediately adjacent to LCA A2 Stour River Valley, which includes the village. The A2 classification identifies, amongst other features, gently rounded arable valley sides, and valley sides dissected by tributary valleys.
42. B2 identifies rolling arable farmland and hills surrounding steep valleys with small streams and settlements located in valleys. A number of interesting and colourful vernacular buildings within small linear settlements, and overall a strong sense of tranquillity and sense of place. Guidance for L2 and B2 is to maintain cross valley and characteristic views across and into the valleys, and ensure that new development is small scale responding to the historic settlement pattern, landscape setting and locally distinctive building styles. For A2 one of the visual characteristics is the panoramic views that occur from valley slopes and channelled views along the valley floor. The planning guideline, as for B2, is to consider the impact of new residential development and farm buildings upon valley slopes. B2 and A2 both have high sensitivity to change.
43. CS policy CS 8 further identifies that sites of national importance and locally designated sites which are identified on the proposals map will be protected from adverse effects. The site is not within a nationally designated site. The site was covered by a Special Landscape Area designation in the LP. This was superseded by the criteria based policy using landscape assessments of CS policy CS 8.
44. Dedham Vale Area of Outstanding Natural Beauty (AONB) lies some 25 km to the east. Nonetheless, the Stour Valley, which includes Steeple Bumpstead and Bumstead Brook and land immediately around the settlement, is within the Stour Valley Project Area. This is important because the area is included in the Dedham Vale AONB and Stour Valley Management Plan 2016-2021. There are aspirations to increase the extent of the AONB along the Stour Valley, although not nearly as far as Steeple Bumpstead.
45. I note that when determining the planning application the Council made no reference to the management plan. Nonetheless, substantial reference has been made to it during the appeal, I note that there has been an objection on landscape grounds from the AONB and SRV project team, and these matters are material to my consideration of the proposal. I have paid careful attention to the management plan which in its opening paragraph identifies the combined area as one of England's finest landscapes with riverside meadows, picturesque villages and rolling farmland.
46. Throughout the management plan it refers frequently to the combined area. Much of the Stour Valley Project Area is identified as sharing similar characteristics to the AONB. It is predominantly rural with a medieval settlement pattern. There are patterns of woodland on valley sides with the river running through it and a scattering of historic picturesque villages.
47. Although not shown on any proposals map the Stour Valley Project is established and staffed, assessment has been made of the area's landscape

within it and principles set for management objectives. New housing is welcomed where it sits well with the patterns of historic villages and where it contributes to the natural beauty and special qualities of the AONB and the Stour Valley. It should reflect the natural beauty of the Stour Valley and be of an appropriate scale, conserve historic features and reflect the local character. Whilst it is not a local designation in terms of CS policy CS8, because it is not on the proposals map, nonetheless I attribute the inclusion of the area in the management plan significant weight. I do appreciate however that the area is extensive and not all parts of it will have equal landscape quality.

48. LP policy RLP 80 amongst other matters requires development not to be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted.
49. Paragraph 109 of the Framework identifies that the planning system should contribute to and enhance natural and local environments by amongst other matters protecting and enhancing valued landscapes. The term valued is not defined. There have been several hundred objections from local residents, some of whom gave evidence at the Inquiry. I am in no doubt from the many representations about this matter that the landscape south of Steeple Bumpstead is held in high regard locally.
50. Nonetheless it seems to me that the approach to be followed is that followed in the Nanpanton Road Loughborough appeal<sup>2</sup> and Leckhampton appeal<sup>3</sup> brought to my attention. This approach was supported in the High Court<sup>4</sup>. This involves assessing the site and its role or value in the wider area. There should be demonstrable physical attributes that take it beyond mere countryside.
51. The Council and the appellant have considered the landscape value of the site by reference to Guidelines for Landscape and Visual Impact Assessment, third edition 2013 (GLVIA3) which lists factors that can be useful in indicating landscape value. There is nothing negative about the appearance of the land, it forms part of a larger field and its most interesting features are its steeply sloping topography and frontage hedgerow for part of the site. Viewed from the footpaths and highways and also from rear gardens backing onto the site, the open agricultural land is viewed in the wider landscape. I am satisfied that its quality is medium to high.
52. Historically this land was associated with a long demolished historic Bower House. It might have been park land rather than agricultural land. It might have been tithe land associated with the church, but that is conjecture as there is nothing on the ground now and no documentary evidence. Furthermore, field enclosures shown as being in existence as late as 1949 have been removed and nothing now remains.
53. The appeal site is part of much larger arable field. There is a hedgerow to the roadside which does not extend for the whole of the frontage. There are few trees on the northern boundary and a copse of trees to the west of the site outside its boundaries. A hedge has been recently planted to delineate the

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<sup>2</sup> APP/X2410/W/15/3028159 and 3028161

<sup>3</sup> APP/B1605/W/14/3001717

<sup>4</sup> Submitted document 2



southern extent of the site within the arable crop. It is part of a steeply sloping large field.

54. The value of the landscape is to be interpreted as that placed on it by people. People will be viewing on approach to Steeple Bumpstead from the south along Finchingfield Road, from the north along Haverhill Road and as users of numerous local public rights of way. They will be sensitive receptors, particularly those who are local to the area seeing the site regularly, or are using public footpaths for recreation.
55. There are several published walking routes around the area, most notably the Steeple Bumpstead Circular Walk, the Steeple Bumpstead Trailman 8km walk and the Bumpsteads Haverhill and Castle Camps Walk. On my site inspection I walked along parts of these routes and found much tranquillity during my experience of the countryside setting to the south of Steeple Bumpstead. The site could be viewed from parts of these footpaths and from the vehicular approach along the Finchingfield and Haverhill Roads. There are extensive views towards the site from the south and from across the valley to the north.
56. It has to be seen in the wider context with which it is viewed. That is with other fields and woodland forming the countryside on valley sides and tops surrounding Steeple Bumpstead which lies in the bottom of the valley. The site is open to view from various viewpoints. It is also viewed with the church tower. Together, the scenic quality is also medium to high.
57. There was much discussion at the inquiry about the appearance of the existing dwellings on the edge of the settlement and their effect on scenic quality. Many of the dwellings have relatively low boundaries and short back gardens. The properties benefit from the extensive views towards the site and other farmland and the rising hill, with little built development thereon.
58. These dwellings are sited close in to the village without rising much in height on the southern valley slope. Overall, the character of Steeple Bumpstead could be described best as nestling within the valley bottom with trees within the settlement creating a verdant impression.
59. The landscape is not rare but it is representative of the locality with a medium value. Although there is no public access to the site, it is close to walking routes. It has a high value in that regard. There are no particular associations with the site.
60. The site is within Historic Landscape Area 13 Belchamps Ridge and within this is type Post 1950 Boundary Loss – with Relic element as identified in the Historic Landscape Characterisation Report for Essex. The report identifies that historically settlement was very dispersed in the landscape.
61. Overall, I conclude having considered all the matters raised, that the site has a high landscape value to which I attribute substantial weight. Having considered all its characteristics and the inclusion of the site within the Stour Valley Project Area, I conclude that it is a valued landscape in terms of paragraph 109 of the Framework.
62. The development, even though there would be open space and a line of dispersed trees on the southern boundary would be a dense development of dwellings in an estate layout with a standard 5.5m wide access. The layout would significantly harm the landscape of the area and would harm the

character and appearance of the area. It would not be nestled in the valley as the existing settlement pattern. It would not follow any logical boundary on the ground. It would not reflect the importance of cross valley views and would not be small scale.

63. Open space with some tree planting on its southerly edge would be incorporated into the scheme. It is suggested that planting could be of appropriate species so that it would reach at maximum height of some 15m after some 20 years. Also larger trees could form a small percentage of the mix and all could be detailed at reserved matters stage. I am not satisfied on the basis of the evidence put forward as an outline scheme that even on this basis there would not ultimately be a harmful effect of obscuring views of the valley slopes. Also new planting along the frontage would need to respect visibility splays which in themselves would take the landscape away from its countryside appearance, with hedgerows on banks close to highways.
64. Built development would appear severely harmful to the landscape from the vicinity of footpath no 40 close to Finchingfield Road and along the approaches to Steeple Bumpstead in both directions. It would also be harmful in views from the public footpath at the appellant's viewpoint 4 to the east. There would be conflict with the Framework paragraph 109 which sets the requirement to protect and enhance valued landscapes.
65. Although the weight to be attached to CS policy CS 5 is affected somewhat because its wording does not accord tightly with the Framework, it still requires the protection and enhancement of landscape character and the amenity of the countryside. I have already attributed the greater weight in the light of Framework paragraph 215 to the policy. The development would fail to achieve that requirement.
66. It would also fail to comply with CS policy CS 8 which states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Also LP policy RLP 80 states that development that would not be successfully integrated into the local landscape will not be permitted. There would be conflict with this policy.
67. The development would not comply with the landscape guidelines of the LCA as it would not protect and maintain cross valley and characteristic views across and into the valleys, rising to the same level as the top of the church tower. It would when viewed from the north, create a backdrop to the village heavily influenced by housing. Furthermore, it would not be small scale responding to the historic settlement pattern and the landscape setting. As the development would not protect or enhance a valued landscape, it would be contrary to paragraph 109 of the Framework. It would not recognise the intrinsic character and beauty of the countryside, part of a core principle of the Framework.

#### *Access to shops, facilities and services*

68. CS policy CS 7 states that future development will be provided in accessible locations to reduce the need to travel. Steeple Bumpstead is a small village, but nonetheless it has grown at a comparable rate to the rest of the District over the last 10 years. There is no demonstrated decline or lack of growth in

the village. The Council is also proposing a site allocation in Steeple Bumpstead in its emerging plan<sup>5</sup>, although this is subject to representations in the latest consultation exercise and can be attributed limited weight at present.

69. There is an accepted need to boost significantly the supply of housing nationally. Even where there is a deliverable 5 year supply of housing sites that is not a limit. Nonetheless, the Framework identifies that development that generates significant movement should be located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. However, this needs to take into account policies such as set out elsewhere in the Framework, particularly in rural areas. Furthermore the national picture is of high car usage.
70. The Planning Practice Guidance identifies that all settlements can play a role in delivering sustainable development in rural areas. There is no blanket ban on development in Steeple Bumpstead. Planning permission has been granted for many small schemes over the last few years. I saw much sensitively designed development within the village. Also planning permission has been granted recently for another 9 dwellings locally.<sup>6</sup>
71. Although a small village, Steeple Bumpstead has some shops, services and facilities. Guidelines for Providing Journeys on Foot indicate 800m as being an acceptable walking distance. The Stanley Drapkin primary school, which has surplus school places, would be within an 800m walk of the site. There would be a footpath linking the site by way of George Gent Close to the primary school some 300m away, the adjacent doctor's surgery and beyond. The UU would contribute to securing additional healthcare requirements arising from the development.
72. Two churches are located within an 800m walk. There is a lecture hall in the Congregational Church. Other local facilities include a village hall some 500m away. Community activities locally include a community choir, line dancing, bowls, scouts and girl guides.
73. Close by are located a pottery store, two public houses and a recreation ground and an outdoor play area. A small library occupies the Moot Hall which also acts as a meeting place for the Parish Council. These are all within 800m. Further open space and a contribution to the existing play space would be provided by the UU.
74. Within 1130m walking distance of the site a convenience store provides for top-up shopping and includes a post office and an ATM cash machine. At the same location there is a petrol filling station.
75. The local shop does not have a wide choice of provisions. I noticed on my site visit that fruit and vegetable provision was particularly limited. But it does provide for a range of top-up shopping including some frozen foods, has a post office, sells cards and some toys and gifts and has an off-licence. The main weekly shopping could be undertaken in Haverhill where there are several large supermarkets. Haverhill is only some 5.4 km to the north of the site and has a wide range of shops, services and employment.

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<sup>5</sup> STEB395-25 dwellings on 1.25 Ha at Freezes Barns northwest of the village

<sup>6</sup> Council ref 16/01525/OUT – 4 Helions Road, Steeple Bumpstead

76. A number of small businesses operate from the local business centre which is within 2 km of the site. There is a nursery and day centre next to the business centre. There are other local employment opportunities in the wider area.
77. No secondary school exists in the village. The UU makes provision for payment for school transport for the first five years. There is the possibility that children could go to school in Haverhill. However I was advised at the Inquiry that there would be no school transport unless the children attended school in Essex, leading to journey times of some 30 minutes. This is not ideal.
78. Whilst there are some limited shops, facilities and services locally, LP policy RLP 53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exist, or there is potential for the development to be well served by public transport and the layout of the developments has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site. Easy walking distance is defined as 400 metres from the centre of the site. Major development is housing sites of 1 hectare or 30 dwellings or more. The appeal development is therefore more than double the size of the minimum for classification as major development.
79. Although the dwellings would be sited within a relatively easy walking route to bus stops, there is only 1 bus stop within 400m of the entire site and the local bus service is extremely limited, comprising route 60, some 5 times a day in either direction during the week, more limited on a Saturday and no services at all on a Sunday. The 438 route is primarily a school service. The Dart 3 service is no longer an on demand service and provides a twice a week service to Haverhill and once a week to Braintree. Because of the severely restricted timetables, bus is not an obvious mode of travel choice for most journeys, even if promoted in travel packs to new residents.
80. Furthermore, cycling is not an attractive option out of the village in an area with hills, and narrow country lanes without lighting. Except those most fit and determined, most would be deterred from cycling. The train station is some 21km away, some 1.5km west of Saffron Waldren at Audley End. Reliance would therefore be on the private motor car.
81. The appellant's view is that the development would not generate significant travel demand. The Highway Authority stated in its consultation response that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.
82. The Highway Authority has however specified that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option will be the car. They have also specified that this should be taken into consideration by the planning authority when assessing the overall sustainability and acceptability of the site. This indicates that it was for the District Council to consider these matters.
83. Whilst I acknowledge the later Highways and Transportation statement of common ground with the Highway Authority and its reference to the

opportunities for sustainable transport, I consider it clear in their consultation response that it was for the local planning authority to assess overall sustainability. There is no reference by the Highway Authority to consideration of CS policy CS 7 or LP policy RLP 53. It seems to me that the development would be major and the travel demand would therefore be significant at 37 trips in peak hours, albeit that it would not be harmful to highway safety and the capacity of the local highway network would be adequate, subject to conditions.

84. I acknowledge that frequency of rural public transport will not be the same as in urban areas, but the level of provision is so small as to be extremely limited. All but the most organised and determined persons would be dissuaded from using it. The figures for use of the Dart3 service for example indicated that only 69 journeys had started in Steeple Bumpstead in nearly a year. The other services are not even on an hourly basis.
85. Given the limited accessibility to other forms of transport to the private motor car, future residents would be dependent on the private motor car for access to most shops, services and facilities elsewhere. As such the development would be contrary to LP policy RLP 53 and CS policy CS7 which are consistent with the thrust of the Framework to focus significant development in locations that are or can be made accessible.

### **Other matters**

86. Local residents have expressed concerns about the adequacy of the surface water drainage system. Bumpstead Brook has been subject to substantial engineering works in recent years.
87. A statement of common ground between the appellant and Essex County Council has been submitted in relation to surface water drainage. This identifies that the site is located within flood zone 1 at a low risk of flooding. Static ponding would be managed through the adoption of a surface water management strategy. Furthermore, flood risk from all other sources is low.
88. Whilst there are some matters which would still need to be resolved in respect of storage volume of up to 10% urban creep, the appropriate level of treatment for all run off leaving the site in line with CIRIA SuDs manual C753 and infiltration test results, these matters are capable of resolution at reserved matters stage.
89. The appellant has conducted three surveys of speed on the site frontage to ascertain what the appropriate visibility splays should be at the vehicular access. The appellant, Highway Authority and the Council are agreed that safe and suitable access can be achieved. The Highway Authority agrees that visibility would be sufficient even if there were a margin of error in the speed surveys. There have only been three slight personal injury accidents in the area over a 5 year period. Subject to conditions, the Council accepts that no issues of highway safety should stand against the proposals.
90. I have paid careful attention to the local highway network and local traffic conditions, as there have been substantial objections from local residents on these matters, but the trip generation even at peak hours would not be substantial and adequate visibility would be provided at the access.

91. Concern has been expressed about the use of protected lanes. Some of the protected lanes were assessed in 2013 as being below the threshold for protected lane status. The Highway Authority considers there would be no materially adverse effects on the wider highway network. The trip generation and distribution of traffic is acceptable. The impact of traffic on the wider network is not significant in terms of capacity. There would be no conflict with the Framework in these regards.
92. Whilst there has been local concern about the effect of increased traffic on the historic core of the village, including the church wall and lock-up, and on the Moot Hall, the layout of Steeple Bumpstead does not lend itself to high speed traffic and I have no reason to consider these buildings to be at risk by the extra traffic generated by any new residents, albeit that they would add to the congestion caused by negotiating parked cars at peak times.
93. I am satisfied that there would be sufficient space within the scheme to ensure that living conditions in respect of privacy of local residents would not be harmed. Some concerns overlap with their private concerns as householders in respect of landscape character and appearance. I have already concluded that the development would be harmful in relation to the character and appearance of the area, which is a matter of public interest, and accept that is held in high regard. Nonetheless, whilst I acknowledge that the views from properties would be to housing, that outlook need not be oppressive.
94. The land is grade 2 quality farmland, but as most of the farmland in the District is of such high quality, the Council accepts that such land will be required to meet its housing requirement.
95. There have been representations made about ecology and protected species on and near the site. Since it is predominantly agricultural land which suffers disturbance from that activity, subject to bat and badger surveys, and ecological enhancement measures, I consider that there is no reason to withhold planning permission.
96. The Council has submitted a statement of compliance of the UU with the CIL Regulations 2010. The affordable housing provision responds to the requirement of CS policy CS2. The contribution to school transport is in accordance with CS policy CS11 and is directly related to the number of secondary school children likely to be living in the dwellings. It is reasonably related to the development in scale and kind. As there is no secondary school in Steeple Bumpstead this is a reasonable and necessary requirement.
97. The contribution to health care relates to the consultation response of the NHS. There are no other pooled contributions and the finance would be used to create additional capacity at the GP surgery locally. The provision and management of open space arises directly from the demand that would be created by future residents. In conclusion, I am satisfied that the UU would comply with the CIL Regulations.
98. Many other matters have been raised in written representations, but none were main issues for the main parties. Conditions and details at reserved matters could address the significant other matters.

## Conclusions

99. The Council and the appellant advocate different approaches as to how I should determine this appeal. The appellant considered that I should, because certain development plan policies are out of date, grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
100. For the Council it was argued that I need not undertake that exercise because specific policies of the Framework indicate that development should be restricted.
101. I have concluded earlier that there is a failure to preserve the setting of the grade I listed church and the setting of the conservation area. Historic environment policies within the Framework restrict development.
102. Furthermore, paragraph 109 of the Framework identifies that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. I have identified that the appeal site should be regarded as part of a valued landscape.
103. It is not specified in footnote 9 of the Framework that being a valued landscape is a restrictive policy for the purposes of paragraph 14. However those are only examples. The Leckhampton appeal previously referred to was a decision by the Secretary of State and he agreed with the reporting Inspector that paragraph 109 of the Framework was a policy that indicated that development should be restricted.
104. Subsequently, upon challenge to that decision Lewis J found the decision was not arguably wrong on this point. Even though that appeal decision is currently on appeal to the Court of Appeal, I consider it a solid enough basis to conclude paragraph 109 of the Framework is a policy of the Framework that indicates that development should be restricted.
105. Although I note the contrary view of a colleague Inspector in the Coggeshall appeal, to which I have paid careful attention, I do not know all the information that led her to take a contrary view. I shall not apply her conclusion.
106. For these reasons I conclude that it is correct to follow the approach advocated by the Council. I have already considered the public benefits of the proposal in the planning balance on heritage matters. To the combined harm in respect of the contravention of restrictive policies, I add the inadequacies of the development in terms of accessibility to shops, facilities and services.
107. Even if the Court of Appeal determines that paragraph 109 of the Framework is to be considered as not dis-applying the tilted balance of paragraph 14 of the Framework, I would have reached a similar conclusion to dismiss the appeal having regard to my earlier findings on the main issues.
108. I conclude that the development would be contrary to the provisions of the development plan and the Framework. There are no other matters which as material considerations would have sufficient weight to indicate that the proposal should be determined other than in accordance with the

development plan. For the reasons given above I conclude that the appeal should be dismissed.

*Julia Gregory*

Inspector

## **APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY: Ashley Bowes of Counsel

He called  
Michelle Bolger of  
Michelle Bolger Expert  
Landscape Consultancy

Adrian Gascoyne, Head  
of Place Services, Essex  
County Council

Alison Hutchinson,  
Partner, Hutchinsons  
Planning and  
Development  
Consultants

FOR THE APPELLANT: Thea Osmund Smith of Counsel

She called

Gail Stoten, Heritage  
Director, Pegasus  
Planning Group

Tim Jackson,  
Partner/Director FPCR  
Environment and Design  
Ltd

Duncan Hartley, Director  
of Planning, Rural  
Solutions Ltd

Luke Regan, Associate  
Director WYG

Peter Dutton, Senior  
Planner Gladman  
Developments Ltd



FOR THE RULE 6 PARTY, HANDS OFF STEEPLE BUMPSTEAD: Lisa Foster of Richard Buxton

She called

Bruce Bamber, Director,  
Railton TPC Ltd

#### INTERESTED PERSONS - LOCAL RESIDENTS

Steve Goldsmith  
Neville Nicholson  
Jonathan Borges  
Ian Price on behalf of his son  
Angela Rymills, on behalf of Mayes Family  
Ian Mackenzie  
Frank Aldred  
Philip Whittome  
Rachel O'Connell  
Andrew Heywood  
Anne Heywood  
Victoria Taylor  
David Kuyper

#### INTERESTED PERSONS - PARISH COUNCILS

Kerry Barnes, Steeple Bumpstead Parish Council  
Neville Nicholson, Helions Bumpstead Parish Council

#### **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Coggeshall appeal decision APP/Z1510/W/16/3160474
- 2 Leckhampton appeal decision APP/B1605/W/14/3001717 and Bovis Homes Ltd v SSCLG –order of Lewis J 28 July 2016
- 3 Daventry DC v SSCLG [2015] EWHC 3459 (Admin)
- 4 Gladman Developments Ltd v Daventry DC [2016] EWCA Civ. 1146
- 5 R (Palmer) v Herefordshire DC [ 2016] EWCA Civ.1061
- 6 R (Steer) V SSCLG [2017] EWHC 1456
- 7 Hopkins Homes Ltd v SSCLG [2016] EWCA Civ. 168
- 8 Landscape Institute Technical Guidance Note
- 9 UU
- 10 Peter Dutton-Planning rebuttal
- 11 Tim Jackson-Landscape rebuttal
- 12 Luke Regan-Highways rebuttal
- 13 Church tower photos
- 14 AONB Management Plan
- 15 Email Mr Bamber to Arrow Taxis regarding Dart service 28.6.17
- 16 Historic Landscape Character Area 13

17 LP policy RLP 8  
18 LP policy RLP 81  
19 Moot Hall Listing Description  
20 Appellant opening and appearances  
21 Council opening  
22 Rule 6 party opening  
23 Ian Mackenzie's statement  
24 Steve Goldsmith's statement  
25 James Price letter  
26 Kerry Barnes Steeple Bumpstead Parish Council statement  
27 Michael Mayes' statement  
28 Andrew Heywood's statement and documents  
29 Anne Heywood's statement and documents  
30 Neville Nicholson Helions Bumpstead Parish Council statement  
31 Jonathan Borges statement including other objections  
32 Frank Aldred's statement  
33 Philip Whittome's statement  
34 Gillian and James Barrett's letter  
35 Conservation area designation details and plan  
36 Emerging Local Plan-Steeple Bumpstead allocation plan  
37 Distance travelled to work  
38 Access plan  
39 Victoria Taylor's Statement  
40 PPG13 extract  
41 Guidance for Journeys on Foot  
42 Visual analysis plan  
43 Extract bundle from publication Draft local plan re new communities  
44 Note on new garden communities  
45 Publication Draft local plan appendix 3 Residential housing allocations  
46 Extract from North Essex Garden Communities website  
47 Note and bundle of documents of consultation and representations on  
Publication draft local plan  
48 Site visit details and map  
49 Decision 16/01525/OUT- 4 Helions Road, Steeple Bumpstead  
50 Hands of Steeple Bumpstead representation dated 28 October 2016  
51 CS pages 29-38  
52 Extract from Essex Transport  
53 APP/Z1510/W/16/3162004 Land off Stone Path Drive, Hatfield Peverel  
54 Jonathan Borges comment 25/5 2017  
55 Luke Regan comments on third party representations 25 July 2017  
56 Plan showing speed survey positions  
57 CS Appendix 5 evidence base  
58 Conditions with comments from appellant  
59 Conditions with comments from appellant and rule 6 party  
60 Statement of compliance with CIL Regulations by Braintree District Council  
61 Extract from S106 of the Town and Country Planning Act 1990  
62 Re-printed bundle of questionnaire representation letters  
63 Closing submissions on behalf of Braintree District Council  
64 Closing submissions on behalf of the Rule 6 party Hands off Steeple Bumpstead  
65 Closing statement on behalf of the appellant  
66 Bundle of appellant's footnote reference documents supplied after the close of  
the Inquiry