



Appeal Decision

Inquiry opened on 8 May 2017

Site visit made on 18 May 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 12 July 2017

Appeal Ref: APP/Z1510/W/16/3160474 Land at West Street, Coggeshall CO6 1NS¹

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a part full and part outline planning permission.
 - The appeal is made by Pigeon Land Ltd and Systemafter Ltd against the decision of Braintree District Council.
 - The application Ref: 15/01271/OUT, dated 1 October 2015, was refused by notice dated 7 July 2016.
 - The development proposed is described² as a hybrid application for mixed use development to include community woodland and public open space. Outline: 8 no. self-build plots and business hub (Class B1a) 836 sqm floorspace (both elements re-sited in revised plans). Full: 98 dwellings with associated garages and parking areas. Proposed new access from West Street and pedestrian access from Robinsbridge Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Inquiry sat between 9-12 May and on 19 May with the site visit held on the 18 May 2017.
3. During the application process the scheme was revised. The proposed number of dwellings in the fully detailed scheme was reduced down from the 119 originally proposed to the 98 dwellings now sought along with associated garages and parking areas, proposed new access from West Street and pedestrian access from Robinsbridge Road, ancillary buildings, roads, footpaths and incidental open space, as well as use of 5.6 hectares as community woodland.
4. Outline planning permission is also sought for eight self-build plots and a business hub (use class B1a). The outline elements of the proposal would be accessed from roads which are the subject of the full part of the application but all other matters within the identified areas are reserved for later approval.
5. Given that consultation was undertaken on the revised scheme, and it was that scheme upon which the Council made its determination, there would be no prejudice arising from my consideration of the revised scheme. I have therefore determined the appeal on the basis of the revised proposals.

¹ At the Inquiry local residents advised that they felt the postcode should be CO6 1NT

² As explained in Preliminary Matters this is a revised description

6. A Screening Direction was issued on 24 March 2017 which directs that this development is not Environmental Impact Assessment development. Nothing was raised to challenge that direction.
7. A s.106 planning obligation (s.106) between Systemafter Limited (the land owner) and the Council was submitted at the Inquiry.³ The s.106 requires the provision of 44 affordable housing units as a mix of rented and shared ownership dwellings. The s.106 prevents more than 55% of the open market housing being occupied until 50% of the designated affordable units (shown on the s.106 plans) have been constructed, and sets out that no more than 80% of the open market housing can be occupied until all of the affordable housing has been constructed. It also sets out details of the type of occupier for the affordable housing and matters relating to any disposal of affordable housing. The second element of the s.106 is to secure a Primary Healthcare Contribution of £34,840 towards provision of primary healthcare works with a clawback provision should the monies not be spent on such works within five years. The s.106 overcomes the Council's reason for refusal no 3 and, as set out in the Statement of Common Ground, that reason for refusal is no longer being pursued.
8. A Community Infrastructure Levy (CIL) Compliance Statement was submitted at the Inquiry.⁴ The affordable housing requirement is in line with the requirements of Policy CS2 of the Braintree District Core Strategy 2011 (the CS), is necessary, and directly and fairly related to the development scheme. The Primary Healthcare Contribution accords with the requirements of Policy CS11 of the CS. The existing doctors' practice does not have capacity for the assumed number of new residents derived from the scheme (254 people) and so a sum is sought towards capital costs for increased provision. The surgery at Coggeshall does not have any other s.106 monies available to it and so there would be no breach of Regulation 123(3) of the CIL Regulations which deals with pooled contributions.

Main Issues

9. The Council and the appellants agree that the Council cannot demonstrate a five year supply of housing land, as required by the National Planning Policy Framework (the Framework). It is therefore necessary to consider the implications of this in determining the appeal. Having that context in mind the main issues are:
 - (a) the effect of the proposed development on the landscape character and appearance of the surrounding area; and,
 - (b) the effect on heritage assets, and particularly, whether or not the proposed development would preserve the setting of the grade II listed buildings at Highfields Farm and the effect on the character or appearance of the Coggeshall Conservation Area.

It is then necessary for me to consider the benefits of the scheme, and any other matters, so as to undertake the necessary balancing exercises and arrive at a decision on this appeal.

³ Doc 3 and Doc 24

⁴ Doc 23

Reasons

Housing Land Supply and the Policy Background

10. The Development Plan includes the saved policies of the Braintree District Local Plan Review 2005 (BDLPR) and the CS.
11. With regard to housing land supply, there was general agreement between the main parties with regard to the figures in terms of available sites and completions. However, the main parties do not agree on the extent of the shortfall. In this regard, there were two areas of disagreement. The first is whether or not the Council has persistently under-performed in its delivery such that a 20% buffer should apply rather than the normal 5% buffer. The second relates to whether the shortfall should be made up over the next five years (Sedgefield approach) or whether it should be made up over the plan period which extends to 2033 (Liverpool approach).
12. In terms of the matter of the buffer, it is apparent that this Council has had periods of very successful delivery compared with the requirement in place at the time. For instance, in 2014-2015 completions exceeded the CS requirement (385 dwellings per annum (dpa)) by 24 dwellings, the following year it was exceeded by 138 dwellings and for 2016-17 it is anticipated that it will be exceeded by 93 dwellings. However, the new objectively assessed housing need (OAN) introduced in November 2016 increases the requirement to 716 dpa. Hence retrospectively applying the buffer to 2013 this leads to a shortfall. Nevertheless, given the Council's record of supply in recent years I do not consider that it can be said that persistent under delivery has arisen. It seems to me that the buffer, which is not intended to be punitive but to simply bring availability of sites forward in the plan process, should be at the normal 5%, not the higher rate.
13. Turning to undersupply, the National Planning Practice Guidance (PPG) advises that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. This clearly seeks to prevent adding further delay to housing provision which has been deemed necessary. Thus, given the need to significantly boost housing land supply, as advised in the Framework and reinforced in the Housing White Paper – 'Fixing our broken housing market' February 2017, I have no doubt that this should be the starting point.
14. The Council explained that its new Local Plan would be based on new settlements and so it would be delivering large volumes of housing, but later in the plan period. I appreciate that with such an approach, the need for infrastructure and whole settlement planning would inevitably push delivery dates back within the plan period but it could also offer the opportunity of significant amounts of well-planned, and served, housing development. I also appreciate that planning in such a manner, needs to be established early in the plan process so that there is greater certainty of housing and infrastructure requirements, phasing, delivery and financing.
15. However, it is agreed that the new Local Plan is so early on in its progress that it cannot be afforded material weight. In these circumstances, and being realistic about the hurdles of getting a plan adopted and then progressing to development, there is every likelihood that large scale delivery of new settlement(s), if adopted as an approach, would be a long way off. As there is

- a current need for homes for people, provision of sites to meet the existing requirement in line with the Sedgefield approach is what is necessary now, at least until there is greater certainty with the Local Plan and the approach it will take.
16. Furthermore, the new OAN results in a significant increase in housing land supply requirements, indeed the back-log arrived at by imposing the OAN requirement on earlier years (back to 2013) results in a projected shortfall to the end of March 2017 of some 1,272 dwellings. This would add a back-log element of 254 dpa for the next five years to the new requirement of 716 representing a new housing land supply requirement of 970 dpa for that period plus the buffer.
 17. The appellants have set out a range of scenarios based on the Sedgefield/Liverpool approaches and buffers at either 5% or 20%. The figures in those tables are not disputed. The 'Sedgefield and 5% buffer scenario', which I consider to be the most appropriate in this case, based on a supply of housing land for 3,177 dwellings, results in a calculated level of 3.12 years of housing land supply.
 18. Whilst the parties vary in their views about how such a situation should be categorised, whilst far from a good situation it is not critical because, at least in the short term, the supply needed for the new challenging requirement and making up the backlog can be met. Nonetheless, this shortfall is one to which I attach significant weight in the balance. However, it is tempered by the fact that the undersupply, in part, results from a recent reassessment of housing need (November 2016), whereas the Council has a history in recent years of good levels of delivery when compared with the CS targets and is in the process of progressing towards a plan which should deal with the area's housing need.
 19. In terms of other housing land supply matters, I have heard from residents, and, as part of the process prior to the Inquiry opening, was written to by interested parties, including those involved in an emerging Neighbourhood Plan (not so far advanced as to be of material weight) that Coggeshall has taken and will continue to take, its fair share of new housing development. In particular, a previously developed site, the Dutch Nursery Site, is raised as having potential to further add to housing in Coggeshall in the relatively near future. Whilst a positive approach to finding suitable sites and taking local responsibility for encouraging housing delivery is to be welcomed, housing need that exists in the housing market area must be considered as a whole, particularly in the absence of an up-to-date Local Plan. In these circumstances I can attach negligible weight to the Dutch Nursery Site.
 20. As the Council points out, the appeal site has already been put forward and discounted in the initial trawl for sites as part of the Local Plan process. However, in terms of the principle of developing the appeal site, this is not a matter to which I attach weight simply because it may be revisited given the early stage of the plan making process.
 21. The situation I have outlined affirms that in this case paragraph 14 of the Framework applies. This states that where the development plan is 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 in the Framework taken as a whole; or, specific policies in the Framework indicate that development should be restricted.

Character and Appearance - Landscape

22. The appeal site is currently an area of open land. The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006)⁵(LCA) identifies the appeal site as being situated within LCA area A9 - Blackwater Valley. The key characteristics are the shallow valley, with gently rising sides. The land is predominantly arable with a strong sense of tranquillity away from the A120. Extensive linear poplar and willow plantations are identified as a key feature of the valley floor. Visual characteristics include views along the valley corridor. In terms of sensitivities, the LCA notes the importance of historic settlements and the dispersed settlement pattern including farms. It seeks in the suggested planning guidelines, amongst other things, that the landscape setting of settlements is preserved and, in management guidelines, that hedgerow and other planting is strengthened where appropriate to local landscape character.
23. CS Policy CS8 sets out 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.
24. At a more detailed level the 'Braintree District Settlement Fringes Evaluation of Landscape Analysis Study of Coggeshall'⁶, produced for the Council in 2015, assesses the sensitivity of the land adjoining Coggeshall, including the area of the appeal site, with a view to future development. The appeal site land falls within two areas 4d and 4e.
25. The 4d area is situated to the north of West Street and includes the listed building farm group at Highfields Farm as well as the former isinglass factory and other buildings on this side of the road frontage. The parcel description identifies the ribbon development, trees around Vicarage Field, an informal recreational space, and the footpath connections through the area, noting the views from these paths and the Essex Way, a promoted long distance route on the opposite side (south) of the valley. It identifies that the main edge of Coggeshall is enclosed by relatively dense riparian vegetation along the River Blackwater and Robin's Brook.
26. In establishing guidelines for development it sets out that development should be sensitive to the approach to the Conservation Area and to listed buildings and, also, that cross valley views should be preserved with development situated on the lower valley slopes and contained by existing development and vegetation along the Blackwater corridor. Further, it says the public footpaths should be retained and enhanced, and that planting will be required to preserve the rural context of the settlement and its well contained edge, and should contribute to the 'gateway' along West Street. The area is categorised as having a medium capacity for accommodating development.

⁵ The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) by Chris Blandford Associates - extract in the Appendices to the Appellants' Landscape Evidence (Appendix H)

⁶ Braintree District Settlement Fringes Evaluation of Landscape Analysis Study for Coggeshall by The Landscape Partnership - extract in the Appendices to the Appellants' Landscape Evidence (Appendix D)

27. The 4e area is situated to the north of 4d, so is of higher ground, and to the West of Coggeshall. At this side, the tree belt along Robin's Brook is described as containing a reasonable amount of built development within Coggeshall. The A120 defines the northern edge of this parcel of land. Whilst this provides only glimpsed views of larger vehicles, the traffic noise is noticeable throughout the land parcel. The 4e parcel contains large arable fields and slopes south eastwards towards the River Blackwater and Robin's Brook.
28. There are a number of public rights of way crossing this area and from these there are views across the Blackwater Valley and the fields around Highfields Farm. The Landscape Analysis Study comments that the parcel has limited connections with the edge of Coggeshall due to the intervening presence of Robin's Brook, with its associated trees, the relatively strong visual containment of the settlement and the slightly elevated nature of the landscape away from adjacent built development. This area is identified as having a medium-low capacity. No guidelines are provided for developing on or mitigating this area whose character is such that the analysis recommends it is conserved and strengthened.
29. The landscape witnesses who appeared at the Inquiry took different approaches to assessing the landscape. The appellants' witness took the view that the landscape of the appeal site was the key consideration whilst the Council considered that the appeal site with the surrounding landscape of which it forms a part should be the area for assessment. I note this difference in approach was also encountered in the Nanpanton Road appeal⁷.
30. Whilst the Framework paragraph 109 test based on the Stroud case⁸ (which I shall consider later) refers to 'this site' I consider that it would be too narrow to just consider the appeal site. A site might have a variety of characteristics but, taken in isolation, for some sites it would be difficult to assess whether those characteristics have any particular value or importance. Moreover, a site might be important because of its position in the landscape as part of it rather than being important in its own right, rather like the pieces of a jigsaw puzzle. Further, as my colleague in the Nanpanton Road appeal sets out, the interactions between people and place are important in the perceptions of landscape and people will perceive the site in a wider context.
31. I visited the site and viewed it from more distant vantage points. The appeal site is largely open because of modern farming practices and does not include trees or hedgerows other than those which enclose it⁹. Moreover, it had recently been heavily sprayed. However, I do not consider that the heavy spraying and consequent discolouration of vegetation justifies down-grading the value of the land, such spraying operations can damage the appearance of land but are sometimes simply the short term product of agricultural management. Moreover, this or other agricultural practices referred to such as keeping of pigs would not alter the open fields and agricultural character in the way that residential development would. In any event, agricultural and undeveloped land is not uncharacteristic in this landscape. The landscape condition of the site may not appear at its best at present but, given the recent spraying, it is not a matter to which I attach significant weight. Rather, the wider landscape to which it relates appears to be in good condition with

⁷ Appeal Refs: APP/X2410/W/15/3028159 & 3028161

⁸ Stroud DC v SSCLG [2015] WHC 488 (Admin) at 16

⁹ See Figure 2 of the Council's Landscape Witness's Appendices

- attractive fields on the valley slope, well defined riparian trees and attractive hedgerows.
32. The topography is that of a gently rolling slope of a valley side. This provides for visual connection to the much wider landscape of the LCA. The views across the site extend far beyond it. For instance there are extensive views across the Blackwater valley to the south, and from the south towards the rising land of the upper valley slopes. Those views also include areas of settlement be they small farmsteads or larger areas of development, which are often enclosed by trees.
 33. The footpaths provide for views to the key landscape features of the watercourses with their associated tree cover particularly that of Robin's Brook and the Blackwater. This provides for a scenic quality which is added to with the views to the historic buildings of the Highfields Farm group which provides a historic interest/cultural interest. It also offers representative characteristics of the tree lined riparian routes which are a feature identified in the LCA, in a location where recreational enjoyment can be easily accessed.
 34. The value placed on a landscape is put there by people. Those people who utilise this area are the key receptors. The way in which they assess the environment will vary, but those who enjoy the recreational value of the land will be particularly sensitive. In this case there are quite a number of rights of way across and in the vicinity of the site. Those using such routes are high sensitivity receptors because they are moving at a slow pace and often are seeking to enjoy the natural environment.
 35. The key footpaths for views towards the appeal site travelling south/south-west are footpaths 17 and 18¹⁰. Footpath 17 close to the A120 is used as a photomontage point (PM3) but this montage is orientated so that the wooded edge of Coggeshall is seen over the field rather than showing the view to the other side of the Blackwater Valley which is currently seen when traversing the field on this route. There are limited views from Ambridge Road, an old hollow-way¹¹, much of which is lower than the land and enclosed by hedging thereby reducing views out.
 36. To the south, on the opposite side of the Blackwater Valley, is the promoted route, the Essex Way. This has views out over the wider landscape including views over the Blackwater Valley. Whilst the appellants suggested walkers would be looking in the direction of travel and not towards the site, on walking that route it was apparent that because of the position of the hedge-line to the south of the route, views were along the route but also to the north, the opposite valley slope and along the valley. Thus, walkers currently enjoy landscape views, including those of the appeal site, albeit the lower slopes are screened by trees in the valley floor.
 37. Closer to and crossing the site are footpaths 17 (lower section) 50 and 57. Each of these has different characteristics but, footpaths 17/57 result in arriving or leaving the site via Vicarage Field, an area of attractive open space largely bordered by either tree screening or high quality hedgerows. Footpaths 50 and 57 both join footpath 17 which crosses the lower part of the site in an approximately east-west line. Each footpath is able to be used to form part of

¹⁰ The footpath numbers have been taken from Figure 2 of the Council's Landscape Witness's Appendices

¹¹ It was confirmed at the Inquiry that this route does not have protected lane status

- a longer rural walk, including one which joins the Essex Way which runs past the historic Grange Barn¹² agricultural building which clearly links to the wider open landscape because of its former historic use.
38. The linkages and views available from these routes enable enjoyment of the countryside with, at some points, far reaching views over the valley's sloping form and into the Blackwater Valley, as well as to the wooded Robin's Brook Valley. The site's position is such that it creates a linking route across farmland but also, and importantly, provides for views that are free from development other than small, sporadic areas. The recreational value of this landscape is also important because of the Essex Way route.
39. The Council claim that the site is a 'valued landscape' for the purposes of paragraph 109 of the Framework. The Framework does not offer a definition or guide as to what constitutes a 'valued landscape'. I am in no doubt that local residents value the site, but it seems to me that value must go beyond that to be a paragraph 109 landscape or it could simply be applied too often, though nor is there anything in the Framework to indicate that only designated landscapes can be paragraph 109 'valued landscapes'. The main parties, reflecting on case law, agree the test for whether paragraph 109 is engaged depends on there being 'demonstrable physical attributes which would take this site beyond mere countryside' (as set out in the Stroud case referred to above). Other than the appellants' view that the words 'this site' limits the area for landscape character purposes, I have no reason to disagree.
40. The Council drew attention to the fact that this area was formerly designated as an area of Special Landscape Value. However, that designation is no longer in force (it being dropped in 2011 with the adoption of the Core Strategy) and so I do not attach weight to it. However Guidelines for Landscape and Visual Impact Assessment edition 3 (GLVIA3) notes that the lack of designation does not mean that a landscape does not have value. Whilst not all of the factors identified in Box 5.1 of GLVIA3¹³ would suggest a high rating for the appeal site and the landscape of which it forms a part (such as rarity or associations), this only provides for a range of factors to consider, as I have done, and some of the other factors, such as landscape quality, scenic quality, conservation interests and recreational value, are much more significant for this landscape.
41. Taking all the factors I have considered into account I find that the site as part of a landscape is more than merely an area of agricultural land or countryside at the edge of a settlement. Rather, it is a part of a valued landscape, at an increasingly pressurised point near a settlement edge. Thus, I consider it is a Framework paragraph 109 valued landscape. This paragraph of the Framework seeks that the planning system should contribute to the natural and local environment by protecting and enhancing valued landscapes. It does not, however, indicate any particular methodology or approach as to how such status should be weighed in the planning balance and nor does it indicate weight for any of the other matters in the paragraph 109 bullet points.
42. I heard differing views on whether paragraph 109 'valued landscapes' should be considered as a 'footnote 9' specific Framework policy. I also heard differing views on the implications of how it should be weighed in the planning balance.

¹² This is a National Trust Property

¹³ See the Appellant's Landscape Witness Appendix J

43. Footnote 9 does not provide an exhaustive list as it states 'for example'. However, it relates to formally protected or designated sites or interests, which is not the case for this landscape. Moreover, landscape has its own hierarchy of designations. Indeed paragraph 113 of the Framework makes it clear that distinctions should be made between the hierarchy of international, national and locally designated sites and that protection should be commensurate. Paragraph 115 makes it clear that the greatest weight should be given to National Parks, the Broads and Areas of Outstanding Natural Beauty none of which apply here. Such designations would also fall within paragraph 109 'valued landscapes' but at a much higher level of importance than here.
44. In the absence of any clear legal judgement to the contrary, using a commensurate approach to protection I consider that this lower tier landscape in the hierarchy of landscapes, whilst being a paragraph 109 landscape, requires me to consider any harm to it in the planning balance but that in this case it does not affect whether the balance is tilted at the outset.
45. I appreciate this is at variance with the Nanpanton appeal decision. However, in that appeal it appears the parties had broadly agreed a position which is not the case here. I also consider that the paragraph 109 requirement to 'protect and enhance valued landscapes' does not necessarily mean prohibit development rather it requires careful consideration to ensure that development protects and enhances what is valued.
46. The next step is to consider the effect of the proposed development on this valued landscape.
47. The lower part of the appeal site occupies most of the undeveloped road frontage of Parcel 4d, and the rising land northwards to approximately the Highfields Farm area, wrapping around that area a little. The remainder of the site is in 4e. It is not proposed to develop the whole of the site with housing. Rather, the developed area would be entirely to the east of the Highfields Farm complex and an area of open space would be retained on the site frontage. Whilst it would be on rising land, the development would be mainly below the 45m contour line. The density of development would reduce as it progresses up the hillside. It would also be set away from the built edge of Coggeshall at key points such as Ambridge Road, Robin's Brook, Vicarage Field as well as from Highfields Farm.
48. In landscape terms there is scope for development of the West Street frontage area. But development northwards into this area (the upper parts of 4d and the 4e area) is identified as increasingly sensitive, more divorced from the settlement with views of increased importance both from rights of way within the site, from the north and from the Essex Way on the opposite valley side. Whilst the appellants suggest that they have followed the Landscape Analysis Study in this respect, I do not find that to be the case. The study advises that for the lower parcel of land (4d) development should be positioned on the lower slopes and contained by existing development and vegetation along the Blackwater corridor (as set out at page 15 and in the Analysis form). This would not be the case in the appeal scheme which would extend significantly beyond any containment derived from existing development and would not be acceptably screened by the vegetation of the Blackwater Valley vegetation. Development higher up into the 4e parcel is not encouraged by the Landscape

Analysis Study and is poorly related to existing built development just as the Analysis Study records.

49. In terms of the road frontage development the appeal scheme broadly follows the Landscape Analysis Study's advice. However, some features are not particularly sensitive to the historic location, including the bell-mouth junction onto the old Roman Road not far before the Conservation Area (this is not reflected in the photomontage illustration which is not correct in terms of this detail and simply illustrates a drive type construction with a dropped kerb). In more general character and appearance terms the loss of the estate style railings and likely increased need to undertake work to the chestnut tree on West Street would also have some adverse visual effects. However, the scheme would reintroduce a tree line along the Roman Road, reflecting a historic planting pattern.
50. It is also evident that consideration has been given to the structural planting as vegetative landscape features are important in this location. Indeed the original Landscape and Visual Impact Assessment, upon which I have not focussed because it relates to the larger scheme of 119 dwellings, concluded it would have a Moderate Adverse Effect on the landscape but that with the planting the scheme would result in there being a Slight Beneficial Effect. Hence the proposal relied heavily on planting to mitigate the scheme and the associated judgements in respect of the benefits of the planting. In respect of the appeal scheme, whilst much is made of screening the A120 I do not consider that to be vital given that there are only occasional glimpses of taller vehicles. I note this point is also acknowledged by the Landscape Analysis Study. Moreover, I am not so convinced about the extent of screening/planting proposed. This is because the open arable form and its connection to the higher land beyond is part of the character of the landscape, with denser screening situated along the watercourses and in the valley bottom.
51. Additionally in terms of tranquillity it was suggested planting alongside the A120 would reduce road noise. However, there was no evidence to substantiate this claim. Whilst planting might mask some noise I do not consider, from the information available to me, that planting to improve tranquillity is likely to be a significant benefit especially as the new development would itself generate noise in this locality. That said, I do not consider tranquillity to be an important feature of the site.
52. Whilst photomontages provided by the appellants indicate that there would be glimpsed views of the proposed development, that part in outline only (the self-build units higher up the slope in parcel 4e and business units) are not clearly illustrated. Moreover, the only illustrations relate to summer foliage. As the trees in this area are deciduous there would be considerable periods when the visual impacts would be much greater. This would be of particular significance for photomontage illustration PM1 from the Essex Way where the development would be seen to significantly reduce the open agricultural landscape to the north above the vegetation of Blackwater Valley floor.
53. This would be at odds with the Landscape Analysis Study guidelines which seek to protect cross valley views from the Essex Way by positioning development on the lower valley slopes of parcel 4d. It notes that the field to the East of Highfields is slightly more prominent as are the elevated slopes of the parcel to the north (4e). Despite this, the proposed development extends back and

- upwards from West Street for the full depth of parcel 4d and then continues into the lower slopes of parcel 4e.
54. The photomontage illustrations are focussed on the distant views looking towards the site. However, there would be very significant changes across the site with the footpath routes from Robin's Brook, Vicarage Field and the isinglass factory area (footpaths 17, 50, 57) all becoming dominated by the proposed housing as they cross the appeal site so making current walks across countryside with views out wholly changed. This is not simply a case of it taking a little longer to reach countryside. Rather, it would reduce the feeling of getting out from the settlement because of how it relates to other parts of the right of way network. Furthermore, it would result in the loss of open views to the wider landscape and the important features of that landscape.
55. Far from the aims of the Landscape Analysis Study, the public footpath routes, while retained, would not be enhanced and the visual connections between those routes and the wider landscape would be irreversibly lost. The mitigation offered by way of a formalised woodland area would not overcome those issues or preserve the rural context and well contained edge of Coggeshall at this side.
56. The proposed development would particularly erode the landscape quality around the area closest to Robin's Brook, which is identified as creating an enclosing edge to the settlement of Coggeshall. The development would harm the cross valley views from public rights of way in both directions. Notwithstanding the proposed meadow area close to the Highfields Farm complex, it would also detract from, or result in the loss of, views to the listed buildings at Highfields Farm rather than being sensitive to the listed buildings as landscape features.
57. I conclude that the proposed development, even taking account of the proposed landscaping, would seriously harm the landscape in this locality and would detract from the character and appearance of the area. This would conflict with the Framework requirement to protect and enhance valued landscapes.
58. It would also fail to accord with CS Policy CS5 which limits development outside specified boundaries to uses appropriate to the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. I do not consider a large speculative housing scheme to be an appropriate use for the countryside for the purposes of this policy. Whilst the policy does not set out what is meant by 'appropriate', elsewhere in the CS (at paragraph 4.24 under the heading 'The Countryside') it is clear that it is intended that in the countryside 'development will be severely restricted, unless it is necessary to support traditional land based activities such as agriculture or forestry, leisure and recreation based uses, which require a countryside location...' which assists the clarification of the policy. I appreciate this is not, however, part of the policy but even without this reference I would have come to the same view.
59. I appreciate that the weight to attach to this policy is reduced because it has the effect of restricting land for housing where there is not an adequate supply of housing land. However, this does not mean those aspects which seek to protect and enhance landscape character and the amenity of the countryside are not relevant; indeed the Framework makes them so. Rather, it is

necessary to consider schemes on their own merits in this respect instead of simply applying rigid boundaries. The parties acknowledge this is the approach being taken by the Council which has used the Landscape Analysis Study to support development outside settlement limits in other circumstances. Thus, I attach more than moderate weight to this policy albeit not full weight.

60. Further, whilst not initially raised as an issue, the view that there would be conflict with Policy CS8 was raised at the Inquiry. Despite the mitigation put forward, I am not satisfied that the scheme has adequate regard to the character of the landscape and its sensitivity to change. Thus, I find lack of compliance with CS Policy CS8 to which I attach significant weight given it reflects the Framework.

Built Heritage

Highfields Farmhouse

61. Highfields Farm is a grade II listed building. The parties agree that the Milking Barn should be considered as a curtilage listed building of the Farmhouse. I shall discuss the Milking Barn with the Cart Lodge separately because of the inter-relationship of all three buildings and the original ancillary role of the Cart Lodge and Milking Barn to the Farmhouse.
62. The Farmhouse reportedly dates from c.1600 with C18th and C19th alterations and restoration after a fire of about 1977 (post listing which dates to 2 May 1953). It is identified as a timber framed building that is plastered under a plain red clay tiled roof. This has rear wings, also under red plain clay tiles, beyond which is a C19th hipped roof/two storey range of painted brick under a slate roof with a further single storey section. The two storey elements of the older house and two storey slate roofed range are linked by a single storey flat roof building.
63. The elevation which, architecturally, appears as the front is the south elevation approximately facing, albeit distant from, West Street on the route of the Roman Road, Stane Street. This elevation shows significant change since the original date of listing with the Council's photograph¹⁴ from 1951 providing good visual evidence for the earlier elevational treatment. In common with that photograph the front elevation has a parapet which wraps around the side elevations of the main range. There is a central door with full height splayed bays to either side, each containing three sashes of 12 lights (6 over 6) at both ground and first floor. Between those bays and the door at each side there is a further sash window. Above the door there is a window of three adjacent sashes the central one being taller with a semi-circular head and the narrower outer ones with ogee heads.
64. The house had formerly had a similar bay arrangement but containing a third storey of windows in each bay and a semi-circular central window over a differently proportioned window above the door. Thus, whilst the basic form of this historic elevation remains there is clear evidence of its remodelling, including a remodelling of the position and proportions of the windows resulting in the two storey form where it had previously been configured as three storeys. The loss of chimneys to the main range is, however, apparent.

¹⁴ To be found on page 13 of the Appendices to the proof of the Council's Heritage Witness

65. There are further arch headed windows to the side. Particularly noticeable are that in the side of the front range, which serves the staircase and is situated above the main side door, and the other first floor window in the rear wing of the older part of the house. This elevation faces the track to the buildings of the former agricultural complex and the area of the appeal site proposed for housing.
66. Due to the fire it is acknowledged that the interior is likely to be much altered, although it is of some interest given the history that appears to be associated with some features of the restoration. Some detail is contained within the listing details for the building.
67. The building has potential to provide archaeological value but that is not key to the concerns raised in this appeal. Nor does the house have any clearly identified associative values in terms of people of national interest. Thus, the significance of this building is derived from its architectural (artistic interest in this case is combined with architectural interest) interest and its historic interest as a property of a 'gentleman farmer' with its associations with the rest of the farm complex including the agricultural land, local families and local events. There is also some interest in social history related to the working of the land here and with more general historic development of the area.
68. The fabric of Highfields Farmhouse would not be physically harmed by the proposed development.

The Cart Lodge at Highfields Farm and the Milking Barn (a curtilage building to the Farmhouse)

69. The Cart Lodge is a grade II listed building. I only viewed the property externally. It dates from C17th but was converted to residential use in the mid 1980s. The building is of timber framed construction mainly of a weather-boarded finish with some C20th red brick infill, including the cart openings, under a hipped roof of plain red clay tiles. It has two rear lean-to sections incorporated under the main roof. As part of the conversion casement windows have been added. The west facing roof slope has two cat-slide dormers and a rooflight, while there are a significant number of rooflights to the east elevation. Two metal fluepipes have also been added. Moreover, the whole structure has been lifted onto a concrete pad. Thus, it is evident that the works have involved some significant changes to the historic structure and fabric in order to facilitate the change of use to a dwelling.
70. In addition the enclosure of land as domestic curtilage along with the subsequent planting and domestic paraphernalia have altered the setting of the building as well as its character. Nonetheless, the retained historic fabric and form of the building are such that it is listed, even though the list is clear that it is included for group value.
71. The Milking Barn forms part of the farm complex group. As with the Cart Lodge, it has been converted to residential use. Weather-boarded under a steeply pitched plain red clay tiled simple gable roof, it has been altered with modern fenestration, rooflights and extensions. It is of some architectural and historic interest and contributes to the wider building group.
72. These buildings may have potential for below ground archaeology. There is some architectural interest in the buildings insofar as there are surviving

elements of the vernacular timber-framed structure. Key to the interest of these buildings is their relationship to the historic use of the wider site providing part of the historic layout for the farmstead and, containing within that, historic interest relating to agricultural practices, social history as well as associations with local families and events as identified for the Farmhouse itself.

The Setting of the Highfields Farm Complex Listed Buildings

73. The setting of a building, whilst not an asset in itself, can contribute to the significance of the building. The Framework identifies setting as *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*.
74. Highfields Farmhouse and the associated historic former agricultural buildings, from the cartographic evidence, have always been situated in a location that is distinctly apart from other development. The reason for choosing that location is not known but, nonetheless, given the land ownership shown on the historic maps this site was chosen rather than being the only available option to the then landowner. Whether or not the Farmhouse was positioned to survey the surrounding fields, it has reasonable views over the land. Moreover, it is situated away from the settlement core at a point where, from the eastern elevation of the front range, and particularly the first floor stair window, the main settlement with its church tower is seen beyond the fields and above trees. The historic maps do not indicate anything which suggests that relationship has significantly changed over time. Thus, the building is located away from, but with views of, the historic heart of Coggeshall.
75. Also consistent since the earliest map evidence provided (Chapman and Andre 1777) is the presence of an avenue of trees leading up from West Street to the Farmhouse, even though the driveway appears to have been repositioned to the eastern side of a tree avenue by the 1870s. There is evidence from this date onwards of associated farm buildings with the detail of these and particularly the domestic gardens becoming increasingly apparent as the dates of the maps move forward. The remaining historic buildings of the former farmstead and the domestic gardens, including a section of walled garden and the tree lined approach, along with the relationship to the settlement and open agricultural land which had formerly been part of the Highfields Estate¹⁵ are, therefore, historic elements of the setting.
76. It is also apparent that there has, historically, been a gap along West Street between the development in the general location of the gelatine/isinglass factory and the main body of the Coggeshall settlement. The housing on the edge of the settlement appears as the main change in this gap. That frontage development, set back from the road, dates from the mid C20th.
77. In addition to the mid C20th fire at Highfields Farmhouse, the late C20th has seen notable change. In particular there are works to the historic agricultural buildings outlined above and the routing of the A120 (bypassing Coggeshall) across the agricultural land to the north of the farmstead, bisecting the land

¹⁵ The Appellants' Heritage Witness - Appendices Appendix 1, The Council's Heritage Witness - Appendices Figures 4 and 5

which had formerly been that of the Highfields Estate. Changes to ownership have also affected the agricultural land's use and appearance, especially the modern curtilage arrangements for the converted barns and the loss of hedgerows.

78. The former use and association between the Farmhouse and the farm buildings is particularly important. It clarifies the understanding of the use of Highfields Farmhouse as being the centre of a farmstead complex. Also important to the setting of the house is its relationship to the surrounding open land and the relatively secluded and detached, if not isolated, location away from the main body of Coggeshall and from the sporadic development leading up to it. This provides some status for this grouping within the area. It does not seek the type of status of a building like the elaborate property Paycocke's House¹⁶ situated on West Street. Rather, it emphasises the 'gentleman farmer' status of its earlier owners.
79. The proposed housing would be situated to the south east, east and north east of the Highfields Farm complex. Frontage development would continue the post war housing out from the main body of Coggeshall along West Street, but, behind that, in-depth development would occupy land to the west of Vicarage Field and then wrap around the Vicarage Field area occupying land beyond the modern curtilages of the converted farm buildings back as far as Robinsbridge Road.
80. Whilst there would be no severing of the relationship between the Farmhouse and agricultural buildings, I have no doubt that the proposed housing would significantly intrude on the setting of the Farmhouse and the historic Cart Lodge and Milking Barn by imposing a substantial area of housing between these buildings and Coggeshall to the east. This would considerably reduce the sense of being set apart, from which a degree of status is derived, and diminish the agricultural context for the buildings.
81. There would be no harm to the historic fabric of any of the listed buildings. Moreover, there is no substantiated evidence that developing in this location would harm a specific designed view or formal interrelationship between these historic buildings and another building or landscape feature. Thus, I do not consider that substantial harm would arise in this case. The buildings would remain worthy of listing for their special architectural and historic interest. Nonetheless, the harm would be significant so that while less than substantial harm would arise, the harm would be at the higher end of less than substantial harm for Highfields Farmhouse. I note in this respect Historic England concluded the proposals would cause serious harm to the setting of the grade II listed buildings at Highfields Farm.
82. Whilst it was argued that the historic and architectural appearance of the farm buildings is such that they would be recognised as agricultural even if engulfed by housing, this does not address the importance of setting in adding to the significance of the buildings. In this case the significance is contributed to by the open agricultural land which enables the buildings to be read together in context and in a manner where their scale relates to the expanse of farmland. Whilst not in the ownership of the former Estate, most of the open land remains in agricultural use as it was when the 1852 Map of the Estate was compiled with the A120 route being a notable exception. I appreciate that in

¹⁶ This is a grade I listed building

intervening years there was another use of some of the land, as a football field, but this too was an open land use. This does not mean to say the land should be precluded from other use or development, but does lead me to conclude that on the range of less than substantial harm a moderate level of harm would arise for these buildings which are, to a large extent important, because of their group value rather than their specific architectural quality given the extent of works which have been undertaken.

83. The less than substantial harm I have identified has implications for the approach to historic buildings in terms of the Framework. It does not, however, alter the position with respect of the legislative requirement that I must pay special regard to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possess. The harm arising here is undoubtedly a matter to which I must attach considerable importance and weight.
84. Turning to the Framework because less than substantial harm would arise I am required to weigh that harm against the benefits of the proposal. I return to this below.

Conservation Area

85. The Coggeshall Conservation Area is characterised by its medieval plan form and the particularly high quality of buildings within it. As with many conservation areas, the quality varies across the area, as do the age and date of buildings. Much of the core area development is tight-knit and includes numerous listed buildings, including the historic and exuberant Paycocke's House (a National Trust property), which demonstrates its owners' wealth founded on the cloth trade. However, not all of the Conservation Area is of higher density; some areas such as those around Grange Barn, a monastic barn, and the Abbey ruins, are more spacious and verdant.
86. The Conservation Area boundary almost adjoins the appeal site on West Street. At this point the Conservation Area encompasses the mid C20th housing. It does not include Vicarage Field to the north or the road frontage of the appeal site.
87. At this side of the settlement the largely open, rural setting has a bearing on how the Conservation Area is perceived. Unlike the appellants, I consider that the sporadic development on approaching Coggeshall is quite different in character from that of the main body of the settlement. There is some road frontage housing in this area along West Street. However, it also includes a significant number of larger buildings, businesses or other uses, some of which appear to have been located away from the settlement core for practical use purposes, such as separating less pleasant uses from the town or to gain proximity to natural resources such as water or to provide recreational space.
88. This area, and the verdant break, before the Conservation Area starts, provides a visual buffer and also means that the high quality of the Conservation Area is almost immediately apparent when approaching from this direction along the former Roman Road. The setting of a Conservation Area does not have any statutory protection. Nonetheless, it does have a bearing upon how the heritage asset is understood as a settlement without significant urban fringe sprawl. The introduction of housing along the road frontage would reflect the C20th housing within the Conservation Area. However, those houses face other

housing development on the opposite site of the street. In contrast, the appeal scheme would appear as more of an incursion into the existing verdant gap and would harm this approach to the Conservation Area. Thus, there would be modest harm to the Coggleshall Conservation Area were the appeal scheme to be built. Again I note Historic England concluded that there would be harm to the Conservation Area as a consequence of this proposal. The harm I have identified is a matter for the planning balance.

Other Heritage Assets - including listed buildings

89. Coggleshall has a significant wealth of listed buildings. However, given the degree of separation between those properties, including those on West Street, and the appeal site there would be limited impact upon the setting of those buildings, albeit there would be an impact. As such these properties are not addressed further and I have focussed on the listed buildings most affected.

Heritage Policies

90. The proposal results in conflict with CS Policy CS9. This policy seeks to protect and enhance the historic environment in order to respect and respond to local context, including where development affects the setting of historic buildings, conservation areas and landscape sensitivity. The scheme also conflicts with saved Local Plan Policy RLP95 which seeks, amongst other things, to preserve and enhance the setting of conservation areas.

91. Saved Local Plan Policy RLP100 does not appear to be strictly relevant in this case as it relates to alterations, extensions and changes of use to listed buildings and their settings. However, inherent in the application is the change of use of the existing agricultural land to residential and business use. The Policy explains changes of use will only be acceptable where they do not harm the setting of the building, stating 'The Council will seek to preserve and enhance the setting of listed buildings by appropriate control over the development, design and use of adjoining land.' Given the lack of clarity about this policy I accord it little weight but note that, in any event, the matter of setting is one covered by statutory duties.

92. In terms of weight to attach to these policies, I note that they do not set out the balancing requirements of the Framework so lessening their weight. However, their requirements reflect the statutory position in respect of these designated heritage assets. As such, and subject to the balance requirement being undertaken in a formalised way, I consider that policies CS9 and RLP95 should be accorded considerable weight.

Benefits of the Scheme

93. The scheme would provide 98 dwellings and provision for a further 8 dwellings on a self-build plot basis. This represents a significant number of additional dwellings and reflects the Government's objective of supporting self-build opportunities to broaden the housing offer. Moreover, because the scheme for the 98 dwellings is submitted as a full application there is a greater likelihood of prompt delivery and that delivery would include a mix of properties ranging from 1 bedroom apartments to 5 bedroom houses as well as 33 bungalows aimed at meeting the needs of the county's aging population.

94. In addition, that housing would be policy compliant in providing 44 affordable dwellings. Again, that would be a significant benefit given the need to expand

the type, range and affordability of housing available and in this part of the scheme two of the 13 bungalows proposed would be built as wheelchair accessible properties, with the remainder of the affordable accommodation being 13 houses and 18 apartments. These factors weigh heavily in favour of the scheme in the balance, particularly given that the Council cannot demonstrate a five year housing land supply. This housing offers social benefits. It would also provide economic benefits during the construction phase and, once occupied, residents would be likely to support the local economy.

95. The appeal scheme includes a significant area of public open space/community woodland as part of the proposals as noted in the description of development. The change of use of land for recreational purposes requires planning permission. This benefit does not fall within the CIL regulations for assessment as it is simply part of the proposals. That said, for it to be afforded weight as a positive part of the proposals it needs to be secured and would need to be genuinely available as public open space. The physical laying out and planting could be secured by condition and the use could be restricted to that of community woodland. As such, that element of the scheme would be a benefit which weighs positively in the planning balance. That benefit would be relatively limited given that there is already a good footpath network within the locality providing access to the rural area beyond the main settlement. That said, there would be new recreational opportunities for children and young adults, including a children's play space (a local equipped area for play - LEAP) and trim trail, which the Braintree Green Spaces Strategy of 2008 identifies as being deficient. This would therefore be a social benefit. There would also be an environmental benefit because of opportunities for greater bio-diversity to be introduced than with some possible agricultural uses.
96. Whilst the appellants attach weight to the screening of the A120 and provision of a permanent meadow area around the listed building group at Highfields Farm, I attach very little weight to this. The impact from vehicles on the A120 is modest, limited to taller vehicles, and the existing field with hedgerow form relates to the wider landscape, as set out above, such that woodland screening is not necessarily such a positive benefit. In terms of the protection of space around the listed building, this would be modest compared with the extent of existing agricultural land. While I appreciate that agricultural practices might appear less attractive than a perceived agricultural character of open field, pasture or crop use, any agricultural use would retain the current status and use, unlike the scheme which would result in a significant part of the area being developed with housing. Any positive weight derived from these perceived benefits in terms of biodiversity and formalised open meadow would, in my view, be negated by equal or greater harms associated with reduced open space, increased urbanisation of the area and increased on site activity.
97. The scheme includes a business hub (Use Class B1(a)) which would also provide scope for economic growth and have the benefit of potentially reducing travel to work distances for new residents or those already within Coggeshall. As with the housing, there are also likely to be some economic benefits during the construction phase and potentially from occupation of the hub units. Thus, there are also social, economic and potential environmental benefits from this scheme.
98. The benefits set out are matters for the planning balance.

Other Matters

99. Local residents and the Parish Council raised a number of additional matters including flooding at Robins Brook and West Street, concerns about highway access and parking, transport infrastructure and public transport, education provision, noise and disturbance from the proposed business units for the occupiers of the nearest existing homes, adequacy of sewerage infrastructure and disruption to traffic flow and noise for nearby residents during construction. These matters have all been considered and subject to conditions, where necessary, following the advice of the statutory and professional consultees provided to the Council, I am satisfied they would not result in material harm were this proposal to proceed.

Development Plan

100. It is necessary to consider the weight to attach to the policies of the development plan and whether the proposal accords with the development plan taken as a whole. In this case the housing land supply position is such that the policies for the supply of housing are out-of-date. This reduces the weight which can be attached to those specific policies, but they have not been promoted as a reason for refusal in this case as emphasis has been placed upon the OAN requirements.

101. In terms of the countryside policies it is clear that the Council has been making objective assessments attaching weight to evidence such as that in the Landscape Analysis Study work. As such it is evident that the countryside character policy is being applied in such a way as to protect what is important, albeit by using guidance that does not have formal status. This approach is in line with the advice of the Framework. For the reasons set out above I accord more than moderate weight to Policy CS5 albeit not full weight. I also attach weight to Policy CS8 as explained above.

102. Insofar as the heritage policies reinforce the statutory duties I accord them considerable weight but acknowledge that the weight given to those policies needs to be reduced because those policies do not formalise a balancing exercise with public benefits.

103. I appreciate that the proposed development provides much needed housing and would comply with policies in respect of creating high quality places to live, affordable housing, public open space, accessibility and biodiversity and would also assist employment provision. However, because of the harms I have identified, I find the scheme would not accord with the development plan taken as a whole.

Balancing Exercises and Conclusion

104. The Framework is a key material consideration in determining planning proposals. In this case this national policy establishes an approach to dealing with certain matters and/or circumstances.

105. The first Framework based balancing exercise which I consider it necessary to make is that relating to the heritage assets. This is because the outcome of this balance affects the applicability of paragraph 14 of the Framework.

106. As I have identified less than substantial harm to the designated heritage assets, it is necessary to weigh the harm to each of them with the benefits of

the appeal proposal. Of the designated heritage assets cited, I have found greatest harm to the listed building Highfields Farmhouse. However, balancing the harm to that listed building, and giving it considerable importance and weight, I find that the balance with the public benefits of providing the housing proposed in this scheme is such that the balance lies in favour of the housing development given the extent of the housing shortfall in the District.

107. Given that Highfields Farmhouse is the most affected listed building, it is not necessary to make a specific balance for each other heritage asset as this assessment means the scheme does not fail on the Framework test that *'specific policies of the Framework indicate development should be restricted'* (this is the second strand of paragraph 14 bullet point 2).
108. However, it remains necessary to apply the first strand of paragraph 14 bullet point 2 and consider the balance set out which seeks granting of planning permission unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.
109. It is necessary to aggregate all the adverse impacts and weigh them against all the aggregated benefits but applying the tilted balance because the Council does not have a five year housing land supply.
110. On one side of the scales are the harms to each of the designated heritage assets and the harm to the landscape and character and appearance of the area which I identified. These are matters of importance, each being a matter to which the Framework attaches significance.
111. In terms of the benefits I find that the extent of undersupply to be of a moderate level. As identified by the Framework, significant benefits would accrue from the proposed housing because of the numbers involved and the affordable housing element. To this there are some modest public open space, social, economic and biodiversity benefits.
112. Having considered that balance it is my judgement that the harms to the heritage assets and to the landscape, both of which also contribute to the character and appearance of the area, are such that those adverse impacts significantly and demonstrably outweigh the benefits of the scheme before me.
113. Therefore, in addition to the conflict with the development plan, I conclude that the proposal does not gain support from the Framework taken as a whole.
114. Thus, for the reasons set out above, and having paid regard to all other matters raised, the appeal fails.

Zoë H R Hill

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Dr Ashley Bowes of Counsel assisted by Mr Liam Wells	Cornerstone Barristers, 2-3 Gray's Inn Square Instructed by Michael Jones, Solicitor Braintree District Council
---	--

He called:

Mr Clive Tokley MRTPI	Independent Town Planning Consultant
-----------------------	--------------------------------------

Mr Nigel Cowlin BA (Hons) DipLA CMLI	Managing Director Nigel Cowlin Ltd
---	------------------------------------

Mr Richard Broadhead BA(Hons) MSc	Historic Building Consultant Essex County Council
--------------------------------------	--

FOR THE APPELLANT:

Mr Trevor Ivory He called:	DLA Piper UK LLP
-------------------------------	------------------

Mr Andrew Thompson MA (Urban Design) BA(Hons) MRTPI	Director Beacon Planning Ltd
---	------------------------------

Mr Mark Flatman CMLI DipLA BA(Hons)	Director Liz Lake Associates
--	------------------------------

Dr Jon Burgess PhD MA(Arch Con) BPI BA(Hons) MRTPI IHBC	Director Beacon Planning Ltd
---	------------------------------

INTERESTED PERSONS:

Ms Tina Sivyer	Local Resident
Mr Trevor Plumb	On behalf of Coggeshall Parish Council
Mrs Belinda Wargent	Local Resident
Mr Tom Walsh	Coggeshall Neighbourhood Plan
Mr F McKennon	Local Resident
Mr A Stevenson	Local Resident
Mrs Phillippa Butler	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

Doc 1	Statement of Mr Tom Walsh on behalf of Coggeshall Neighbourhood Plan
Doc 2	Signed Statement of Common Ground
Doc 3	Draft s.106 Obligation

- Doc 4 Extract from GLVIA3
- Doc 5 Committee Report for application 16/01653/OUT Land East of Boars Tye Road, Silver End, Essex
- Doc 6 Committee Report for application 16/00397/OUT Land East of Mill Lane, Cressing, Essex
- Doc 7 Extract from the Oxford English Dictionary
- Doc 8 Plan to show extent of previous Special Landscape Area designations
- Doc 9 Opening on behalf of the Appellants
- Doc 10 Opening on behalf of the Council
- Doc 11 Statement of Coggeshall Parish Council (as read by Mr Plumb)
- Doc 12 Supporting text to Policy CS1
- Doc 13 Draft Conditions
- Doc 14 Braintree District Local Plan Review 2005
- Doc 15 Braintree District Council Local Development Framework Core Strategy 2011
- Doc 16 Braintree District Protected Lanes Assessments July 2013
- Doc 17 Judgement Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another(Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) before Lord Neuberger (President), Lord Clarke, Lord Carnwath, Lord Hodge and Lord Gill, Easter Term [2017] UKSC 37
- Doc 18 Bundle of Listed Building Descriptions (Mendips, Zebra Crossing near Abbey Road and Charles Dickens House)
- Doc 19 Statement of Mr F McKennon
- Doc 20 Queen's Bench Division Planning Court Leckhampton Judicial Review – Request Refused
- Doc 21 Local Plan Monitoring Report 1 April 2015-31 March 2016
- Doc 22 Preston Road Action Group and Gayzer Frackman and SoS for Communities and Local Government and Lancashire County Council and Cuadrilla Bowland Ltd and Cuadrilla Elswick Ltd [2017] EWHC 808 (Admin)
- Doc 23 Statement of Community Infrastructure Levy Regulations Compliance
- Doc 24 Copy of the signed s.106 Planning Obligation between Braintree District Council and Systemafter Limited
- Doc 25 Copy of a social media message regarding the site visit
- Doc 26 Revised Draft Planning Conditions
- Doc 27 Statement of A Stevenson
- Doc 28 Practice Note on Citation of Authorities
- Doc 29 Court of Appeal Cherkley Campaign Limited and Mole Valley District Council and Longshot Cherkley Court Limited [2014] EWCA Civ 567
- Doc 30 High Court The Forge Field Society, Martin Barraud, Robert Rees v Sevenoaks District Council v West Kent housing Association, The Right Honourable Philip John Algernon Viscount De L'Isle [2014] EWHC 1895 (Admin)
- Doc 31 Regina (Palmer) v Herefordshire Council [2016] EWCA Civ 1061
- Doc 32 Shadwell Estates Ltd v Breckland District Council v Pigeon (Thetford)Ltd
- Doc 33 Statement of Phillippa Butler (received in hard copy after the close of the Inquiry)

- Doc 34 Closing Submissions on Behalf of the Council
Doc 35 Closing Submissions on Behalf of the Appellants

PLANS

- Plans A1-A30 The applications plans as determined and set out at 12.4 of the Statement of Common Ground:
- Location Plan 366-LP-01, 23/09/2015; Existing levels 1 366-SK-09, 23/09/2015; Existing levels 2 366-SK-10, 23/09/2015; Illustrative Proposed Levels Plan 2944.SK06, September 2015; Landscape Masterplan 172205D, September 2015 (Revised); Planning Site Layout 1 of 2 366-SK-01C, 23/09/2015 (Revised); Planning Site Layout 2 of 2 366-SK-02A, 23/09/2015 (Revised); Block Plan 366-SK-03D, September 2015 (Revised), Storey Heights Plan 366-SK-04C, 23/09/2015 (Revised); Affordable Unit Plan 366-SK-05C, 23/09/2015 (Revised); Refuse Collection Plan 366-SK-06C, 23/09/2015 (Revised); Garden Compliance Plan 366-SK-07C, 23/09/2015 (Revised); Parking Compliance Plan 366-SK-08C, 23/09/2015 (Revised); Street Elevations 014-038-011 P3, 23/09/2015 (Revised); Bungalow Types B2A & B2B 014-038-101, September 2015 (Revised); Bungalow Types B2C & B2D 014-038-102 P1, September 2015 (Revised); House Types 3A 3Ai 014-038-103 P2, September 2015 (Revised); House Types 4A & 4B 014-038-104 P1, September 2015 (Revised); House Types 4C & 4F 014-038-105 P2, September 2015 (Revised); House Types 5A & 5B 014-038-106 P1, September 2015 (Revised); House Types AB1 & AB2 014-038-107 P2, July 2015 (Revised); House Types AH1, AH2 & AH2i 014-038-108 P2, September 2015 (Revised); House Types AH3, AH3i & AH4 014-038-109 P2, September 2015 (Revised); House Types AH2A & AH5 014-038-110 P2, September 2015 (Revised); House Types _AF1_AF2 014-038-111 P2, September 2015 (Revised); Garages 014-038-112 P2, September 2015 (Revised); House Types 3D & 4F Render 014-038-113, March 2016 (Revised); Apartment Types AH1, AF1 & AF2 014-038-114, March 2016 (Revised); House Types_3A, 3Ai & Garage 014-038-115, March 2016 (Revised); House Types AH2A & AH3 014-038-116, March 2016 (Revised).
- Plans Bundle B The superseded plans as set out at 12.1-12.2 of the Statement of Common Ground
- Plan C Plan for the Site Visit Route