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**Via Recorded Delivery**

Dear Sirs

**Thaxted Conservation Area Appraisal and Draft Management Proposals 2012;  
Consultation Response**

We act for Mr & Mrs Clark of Mill Hatch, Dunmow Road who wish to object to the designation of their garden as protected open space as suggested by the Thaxted Conservation Area Appraisal and Draft Management Proposals 2012 ("the Consultation Document").

Paragraph 1.157 of the Consultation Document identifies the 'large garden to Mill Hatch, Dunmow Road' as open space which it is important to retain.

The proposed designation is inappropriate for the following reasons:

**1. The Principle of Designation**

Part 1 of the Appraisal section of the Consultation Document states that the principle question to be asked in identifying open spaces which should be protected is whether the open space or gap is 'an important landscape feature contributing to the general spatial quality and visual importance of the Conservation Area' (paragraph 1.64). The garden to Mill Hatch fails to meet this basic threshold for designation for the reasons set out in part 2 below.

In any event, it is inappropriate to designate private garden land as important open space. Paragraph 1.64 of the Appraisal says that 'private open spaces forming an important setting for an historic asset and unkempt spaces that have the potential to be enhanced are candidates for selection subject to complying with the principle question'. The Appraisal does not envisage any other circumstances in which it would be appropriate to designate private garden as important open space.

Mill Hatch is not a listed or otherwise identified as an important architectural or historic building and therefore its garden does not form an important setting for an historic asset. There is no suggestion in the Consultation Document that the garden to Mill Hatch provides a valuable setting to any other historic asset. There is also no suggestion that the garden is in

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any way unkempt or has the potential to be enhanced. Therefore, on the basis of the criteria set out in the Consultation Document itself, it is wrong in principle to designate this private garden land as important open space.

This argument is reinforced by the fact that the Consultation Document does not propose to designate any other private garden land as important open space (with the exception of land within the curtilage of Brooklyns, Copthall Lane, which is identified as a building which makes an important architectural or historic contribution). All other proposed designations relation to public or community land, or land with a heritage value, which is far more appropriate for designation as important open space.

## **2. Contribution to the Character of the Conservation Area**

The Consultation Document identifies the garden to Mill Hatch as a landscape feature that materially contributes to the character or appearance of the Conservation Area and which should be protected. It is asserted that 'this open land, tree lined to the Dunmow Road separates Mill Hatch from built form further south on the Dunmow Road' (paragraph 1.157). More generally, the area to the east of Dunmow Road is considered to consist of a 'fragmented scatter of development separated by gaps of open land and spaces that are important to retain on this approach to Thaxted' (paragraph 1.156).

However, the garden to Mill Hatch cannot conceivably be viewed as providing any form of open land or a visual break to development. The land is entirely surrounded by mature trees and in the summer the garden cannot be seen from either Dunmow or Bardfield Road. There are at least 20 trees facing the Dunmow Road (of which 10 represent an overgrown beach hedge) and some 8 trees facing the Bardfield Road. Among these trees there are about 6 dense shrubs facing the Bardfield Road and about 10 facing the Dunmow Road. There is a row of Scots Pine facing the garden of Pleasant View and the Tennis Courts, together with Maple, Lombardy Poplar, Fir, Ash, Elm, Yew and Horse Chestnut. There are also substantial shrubs. Overall, there are very few open spaces in the garden to Mill Hatch and none of them can be seen from the road. The garden simply does not provide a gap of open land or space that contributes to the character of the Conservation Area.

Again, the garden to Mill Hatch can be distinguished from other land the Consultation Document proposes to designate as important open space. In particular, the small but important gap between the Tennis Courts and Pleasant View further south along Dunmow Road is not tree lined and therefore much more open in nature, as is the more formal recreational space of the Tennis Courts themselves. The open pasture land and small spinney further south still are viewed in the context of the surrounding countryside when approaching Thaxted from the south. All of these pieces of land are far more open in nature, and therefore important to the character of the area, in a way that the garden to Mill Hatch simply is not.

## **3. Protection of Trees and Hedgerows**

The Consultation Document identifies trees in the grounds of Mill Hatch as important (paragraph 1.161). However, it is also acknowledged that all trees in a Conservation Area are afforded protection and that many of them will be subject to Tree Preservation Orders (paragraph 2.11). The presence of important trees and hedgerows should not, therefore, be a consideration when designating an area as important open space.

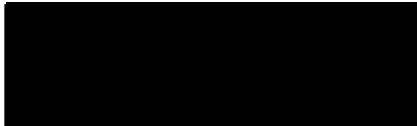
The mature trees in the grounds of Mill Hatch are, in fact, protected by Tree Preservation Orders, and all the trees are protected by the Conservation Area designation. It is unnecessary to afford them further protection by way of designation of the garden as important open space. The presence of important trees in the grounds of Mill Hatch is not a good reason to designate the garden land as important open space.

**Conclusion**

It is wrong in principle to designate private garden land as important open space other than for the purposes of protecting a historic asset or to secure improvements to an unkempt environment. In any event, the garden to Mill Hatch does not warrant protection as it in no way contributes to the character and appearance of Thaxted or its Conservation Area and the presence of important trees is not a factor that should be taken into account.

Please keep us informed of the progress of the consultation process.

Yours faithfully



**Hewitsons LLP**