

Analysis of Allowed Appeals 2018-20

Reference no.	Address	Application	Level of Decision	Basis of Refusal	Inspector's Theme in Allowing Appeal
UTT/18/0440/OP	Land at Pound Hill, LITTLE DUNMOW	18 Dwellings	Delegated	Rejected on basis of overdevelopment GEN2	Urbanised/Ribbon development effect accepted by Inspector however harm outweighed by benefits (tilted balance)
UTT/17/3573/OP	Land to North West of Henham Road, ELSENHAM	350 Houses	Delegated ¹	Appeal Against Non Determination. Putative Reasons, S7 (Countryside), ENV13 (Air Quality) and GEN6/H9 (S106)	Highways and Air Quality addressed up to inquiry. S106 secured through the inquiry. Accepted that proposal would conflict with S7, albeit limited harm. Outweighed by benefits (tilted balance)
UTT/17/3413/OP	Commercial Centre, Ashdon Road, SAFFRON WALDEN	55 dwellings & Mixed Use	Delegated	Residential development on commercial element of mixed site (UTT/13/2423/OP). reduced employment supply and lack of robustness of marketing of site.	Lack of policy/evidence of employment land supply/demand. Inspector content with marketing. Lack of 5YLS (tilted balance)
UTT/19/0022/OP	Land to North of Stewarts Way, MANUDEN	22 dwellings & children's nursery	Delegated	Rejected on basis of S7 (countryside harm), GEN1 (sustainable transport) Ecology Details (GEN7 & ENV8), GEN6/H9 (S106)	Accepted that there would be a moderate level of harm to the character of the area and would conflict with S7. The harm outweighed by the benefit (tilted balance)

					<p>Concluded that access to the alternative transport modes such as cycling and public transport, also good services within village. Therefore, no conflict with GEN1.</p> <p>Ecology Addressed through the appeal (Partial Costs awarded against Council)</p>
UTT/19/0394/OP	Land east of Parsonage Lane, TAKELEY	66 Bed Care Home	Delegated	Rejected on basis of impact on CPZ (S8) and impact on Grade 1 Listed Church (ENV2)	<p>Concluded that the impact on the landscape (including CPZ) to be limited harm. Concluded that the proposal would not harm the open nature of the area around the airport or create any coalescence.</p> <p>Less than substantial harm to the setting of the church.</p> <p>Public benefit (ENV2) and tilted balance (S8). Benefits outweigh harm</p>
UTT/19/0393/OP	Land east of Parsonage Lane, TAKELEY	119 Dwellings	Delegated	Rejected on basis of impact on CPZ (S8) and impact on Grade 1 Listed Church (ENV2)	<p>Concluded that the impact on the landscape (including CPZ) to be limited harm. Concluded that the proposal would not harm the open nature of the area around the airport or create any coalescence.</p> <p>Less than substantial harm to the setting of the church.</p>

					Public benefit (ENV2) and tilted balance (S8). Benefits outweigh harm
UTT/18/0739/FUL	Joyce Franklin Academy, Cambridge Road, NEWPORT	24 Dwellings & Sports Facilities	Committee	Rejected on S7 (countryside harm) and impact on Conservation Area (ENV1). Loss of Playing Field Provision (LC1 & LC4), GEN6/H9 (S106)	Considered less than substantial harm to the countryside. Majority of site outside of Conservation. S106 reduced affordable housing product, accepted by Inspector that reduced affordable housing justified by investment into school. Proposal included provision of additional school sports provision so loss of playing field fell away. Public benefits outweighed harm (tilted balance)
UTT/17/3426/OP	Land South of Radwinter Road, SAFFRON WALDEN	Extra care Facility	Committee ²	Two twin sites the subject of a joined appeal. Both related to an overarching outline permission UTT/13/3467/OP, Residential covered by reserved matters and built out. Resubmitted outlines. Both approved at Planning Committee subject to S106 covering matters not covered by residential. No progress on S106s therefore refused	Academic discussion at appeal over nature of S106 requirements. Matter allowed subject to Unilateral Undertakings covering travel plans
UTT/17/3429/OP	Land to the East of Shire Hill, SAFFRON WALDEN	Business Use (B1)	Committee ²	ditto	Academic discussion at appeal over nature of S106 requirements. Matter allowed subject to Unilateral Undertakings covering travel plans

UTT/18/0460/FUL	Stansted Airport	-	Committee		Allowed
UTT/18/0784/OP	Land East & North of Clifford Smith Drive, watch House Green, FELSTED	30 dwellings	Committee	Rejected on S7 (Countryside Harm) Felsted Neighbourhood Plan very much at early stage, Committee gave it high weight.	Concluded harm to the countryside, benefits outweighed harm (Tilted balance) Limited Weight to the then emerging Felsted Neighbourhood Plan (the Reg 14 pre-examination)
UTT/18/1011/OP	Land West of Maranello, Watch House Green, FELSTED	28 dwellings	Committee	Rejected on S7 (Countryside Harm) Felsted Neighbourhood Plan very much at early stage, Committee gave it high weight.	Concluded harm to the countryside, benefits outweighed harm (Tilted balance) Limited Weight afforded to the then emerging Felsted Neighbourhood Plan (the Reg 14 pre-examination)
UTT/18/2959/DFO	Land east of Little Walden Road, SAFFRON WALDEN	Reserved matters 85 Dwellings	Committee	Rejected due the quantum of public open space and its quality compared to that indicated on the allowed outline proposal. Resulting in conflict with polices S7 (countryside), GEN2, GEN 7, EN3 & ENV8 Also Space Standard Refusal & Lack of Broadband and Energy Efficiency Measures	Inspector cited lack of Local Plan Policy regarding quantum of public open space. Had no concern regarding quality of open space and its location. Lack of Local Plan adopting the space standards/ Partial award of costs awarded against the Council as energy measures (specifically charging points) could have been secured through condition

UTT/19/2355/DFO	Land east of Thaxted Road, SAFFRON WALDEN	Reserved Matters 150 Dwellings	Committee	Rejected in terms of lack of sufficient or adequate greenspace and concerns over location of play area (GEN2)	Inspector cited lack of Local Plan Policy regarding quantum of public open space. Had no concern regarding quality of open space and its location. Cited the importance of housing deliver and lack of 5YLS
UTT/19/0437/OP	Land South of Rush Lane, ELSENHAM	Up to 40 Dwellings	Committee	Rejected on S6 (harm to the CPZ)	Inspector concluded that the site was adjacent to Elsenham Village Centre and its facilities, was doubtful as to whether the site was open countryside. Limited harm to the edge of village setting outweighed by benefits of development (tilted balance).
UTT/18/3529/OP	Land South of Braintree Road, FELSTED	30 Dwellings	Committee ¹	Revised scheme of reduced number, 30. Committee deferred decision to allow Felsted NP to progress. Applicant appealed against non-determination. Report to Planning Committee, to seek guidance for defence of appeal. Recommended that appeal not be defended. Committee resolved to defend the appeal based on landscape harm and being contrary to emerging Felsted NP (then at Regulation 16).	In allowing the appeal the Inspector identified harm to countryside (albeit reduced for the previous scheme) however due to a lack of 5YLS engaged the tilted the balance. He gave low weight to the still emerging Felsted NP but anyhow noted that the Council couldn't demonstrate a 3YLS.

¹Appeal Against Non determination

²Refusal following failure to complete Section 106