

Analysis of Allowed Appeals 2019-21

Reference no.	Address	Application	Level of Decision	Basis of Refusal	Inspector's Theme in Allowing Appeal
UTT/17/3573/OP	Land to North West of Henham Road, ELSENHAM	350 Houses	Delegated ¹	Appeal Against Determination. Putative Reasons, S7 (Countryside), ENV13 (Air Quality) and GEN6/H9 (S106)	<p>Highways and Air Quality addressed up to inquiry. S106 secured through the inquiry.</p> <p>Accepted that proposal would conflict with S7, albeit limited harm. Outweighed by benefits (tilted balance)</p>
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)	<p>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> <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> <p>Public benefit (ENV2) and tilted balance (S8). Benefits outweigh harm</p>
UTT/18/0460/FUL	Stansted Airport	-	Committee		Allowed
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	<p>Inspector cited lack of Local Plan Policy regarding quantum of public open space. Had no concern son quality of open space and its location.</p> <p>Lack of Local Plan adopting the space standards/</p>

				<p>polices S7 (countryside), GEN2, GEN 7, EN3 & ENV8</p> <p>Also Space Standard Refusal & Lack of Broadband and Energy Efficiency Measures</p>	<p>Partial award of costs awarded against the Council as energy measures (specifically charging points) could have been secured through condition</p>
UTT/19/2355/DFO	Land east of Thaxted Road, SAFFRON WALDEN	Reserved Matters 150 Dwellings	Committee	<p>Rejected in terms of lack of sufficient or adequate greenspace and concerns over location of play area (GEN2)</p>	<p>Inspector cited lack of Local Plan Policy regarding quantum of public open space. Had no concern on quality of open space and its location.</p> <p>Cited the importance of housing deliver and lack of 5YLS</p>
UTT/19/0437/OP	Land South of Rush Lane, ELSENHAM	Up to 40 Dwellings	Committee	<p>Rejected on S6 (harm to the CPZ)</p>	<p>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).</p>
UTT/18/3529/OP	Land South of Braintree Road, FELSTED	30 Dwellings	Committee ¹	<p>Revised scheme of reduced number, 30. Recommended to Committee for approval. Committee deferred decision to allow Felsted NP to progress. Applicant appealed against non-determination. Report to Planning Committee, to seek guidance</p>	<p>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.</p>

				for defence of appeal. Recommended that appeal not be). Committee resolved to defend the appeal based on landscape harm and being contrary to emerging Felsted NP (then at Regulation 16).	
UTT/19/2354/OP	Land west of Buttleys Lane, GREAT DUNMOW	Up to 60 Dwellings	Committee	Rejected on grounds of urban sprawl and impact on countryside S7.	Inspector concluded that although the proposal would have impact on the countryside, in the context of other consented development in the area it would not result in urban sprawl. Any harm would be outweighed by the benefits (tilted balance engaged)
UTT/19/2470/OP	Land West of Isabel Drive, ELSENHAM	Up to 99 Dwellings	Delegated ¹	Appeal against Non-determination. Putative Reasons: Air Quality, Highways, Size and scale related to Elsenham and Als Wood (S7 & GEN2)) and GEN6/H9 (S106)	Matters related to Air Quality and Highways addressed through further submission during the appeal. On S7/GEN2 concluded that the proposal would have a limited adverse impact. Any harm would be outweighed by the benefits (tilted balance engaged)
UTT/20/0604/OP	Land South of Vernons Close, Mill Road, HENHAM	45 Dwellings	Committee	Rejected as unsustainable location GEN1 (Paras 78, 108 & 110 of NPPF) Countryside Harm (S7)	Concluded that there would be limited but residual harm to the character and appearance of Henham. Confirmed would not conflict with S7. Agreed that the development would

					not have the appropriate access to services without the need to use the motor car. Any harm would be outweighed by the benefits (tilted balance engaged)
UTT/20/0614/OP	Claypits Farm, Bardfield Road, THAXTED	14 Dwellings	Delegated	Detailed reason for refusal regarding failure to maintain public footpath route. (GEN2) and TX HD7 of Thaxted NP	Inspector concluded that the revised alignment of the footpath would not reduce the enjoyment of the use of the footpath and reduce its desirability of use,
UTT/20/0864/FUL	Land behind Old Cement Works, Thaxted Road, SAFFRON WALDEN	35 Dwellings	Committee	Rejected due to non-provision of full affordable housing (40% reduced to 20%) Policy H9	The application was accompanied by a viability assessment that was independently validated by the Council's consultants, who concluded that the reduction in affordable housing was justified. The Inspector concluded that the appellant had demonstrated through the viability submission that under Para 57 of the NPPF that the reduction of affordable housing was acceptable. Full costs awarded against the Council
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