

Appeal Decision

Site visit made on 1 September, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 23RD September, 2016

Appeal Ref: APP/C1570/W/16/3152533

Land adjacent to Orchard House, Walden Road, Ashdon, Saffron Walden, CB10 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr. Howard Nicholes against the decision of Uttlesford District Council.
 - The application Ref UTT/15/3747/OP, dated 10 December 2015, was refused by notice dated 9 February 2016.
 - The development proposed is erection of dwelling and garage and new access to existing dwelling.
-

Decision

1. The appeal is allowed and outline planning permission is granted for erection of dwelling and garage and new access to existing dwelling at land adjacent to Orchard House, Walden Road, Ashdon, Saffron Walden, CB10 2HJ in accordance with the terms of the application, Ref UTT/15/3747/OP, dated 10 December 2015, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The application was made in outline with all matters reserved for later determination with the exception of access. I have determined the appeal on that basis, treating the submitted plans as illustrative only, except in respect of access arrangements.
3. The Council's replacement Local Plan has yet to be re-examined, and may be subject to change. Accordingly, its policies are given little weight in my consideration of the appeal.

Main Issues

4. The main issue in this case is whether the proposal for housing in this location would represent a sustainable form of development having regard to its effect on the character and appearance of the area and the principles of sustainable development set out in the National Planning Policy Framework.

Reasons

5. Orchard House sits to the north of Walden Road, facing the rolling fields beyond. It is located just outside Ashdon, at the end of a run of linear
-

development running out of the village, with a further group of houses beyond but set at some distance away. The appeal site occupies just over two thirds of the length of the large triangular garden of Orchard House, and backs on to open fields.

6. The Framework sets out the presumption in favour of sustainable development. It also reminds us that the starting point for determining planning applications is the local development plan unless material considerations indicate otherwise, and that a local plan should not be considered out of date for the purpose of decision making simply because it was adopted prior to the publication of the Framework.
7. Policy S7 of the Uttlesford Local Plan 2005 (LP) seeks to protect the character of the countryside for its own sake by restricting development in rural areas. It is not, however, fully partially compliant with the Framework, which, while recognising the intrinsic character and beauty of the countryside, also seeks sustainable development which will support thriving rural communities within it. The Framework is clear that where the development plan policies is out of date, proposals for development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
8. There is no dispute that the appeal site sits just outside the development boundaries of Ashdon. Considering the appeal proposal against the tests of sustainable development set out in the Framework, there would be some minor economic benefit derived from the construction process. Ashdon has a number of facilities including a church, small local shop, pub, museum, and village hall. The appeal site is within easy walking distance of the village centre via a footpath adjoining the road and running through fields at a safe remove from the very constricted stretch of road on Church Hill. In social terms therefore an additional dwelling would have a minor benefit in helping to support the vitality of the settlement.
9. I note the appellant's contention that the Council has a demonstrable shortfall in housing delivery, but can see no evidence to suggest that the projected completions will not have been achieved by the end of the delivery period. Nonetheless, the appeal dwelling would also make a minor contribution to the delivery of housing in the district.
10. Buses serving Ashdon stop close to the appeal site, but the service is infrequent. While it is likely therefore that future occupiers of the appeal dwelling are likely to travel further afield by private car, the additional journeys generated by a single dwelling are not likely to have a significant effect on local road network, and would not therefore cause any more than minor harm in environmental terms.
11. The Council's reason for refusal of the appeal proposal relates to the effect of the additional built form on the character and appearance of the countryside. The area is one of houses of varied styles, set in a range of garden sizes. The garden to Orchard House is however particularly generous in the context of the area, and the insertion of a new dwelling into it would not create an incongruous balance between built form and openness within the plot.
12. The garden to Orchard House is well bounded by a thick beech hedge on the road side and a more naturalised hedge to the rear, while the area of the

appeal site benefits from a number of mature trees. The run of roadside hedge is a long one, and although an opening would be created to form a new vehicular access, this would not overall harm its screening and greening function. The planting on the appeal site would therefore largely screen the proposed development, restricting views of the proposed dwelling to glimpses of its roofline. Landscaping is a reserved matter, and the treatment or augmentation of planting on the site is capable of being managed through approval of details.

13. Other dwellings in the area are varied in design, and include bungalows and chalets, with a recent development of modest, cottage-style two-storey houses in Guildhall Way just to the north, giving directly onto the open countryside. While the appeal proposal would introduce a new building, details of its appearance, layout, and scale are capable of being managed through the approval of reserved matters. While much would, therefore depend on the determination of these matters, there is no evidence to suggest that the proposal would be visually harmful to the appearance of the adjoining countryside.
14. A number of other planning permissions have been put to me in support of the appeal but I have in any case determined it on its own merits.
15. To conclude on this point, any harm to be derived from the appeal proposal in terms of generating additional journeys by private car would not significantly and demonstrably outweigh its benefits in delivering sustainable development in social and economic terms. As it would not have a harmful effect on the character and appearance of the area, it would not compromise the otherwise restrictive approach to development in the countryside set out in Policy S7 of the LP. It would also accord with the objective of the Framework to recognise the intrinsic character and beauty of the countryside and support thriving communities.

Other matters

16. There is no reason to expect that any ancillary buildings within the appeal site developed to support its residential use will have a harmful effect on the character and appearance of the area. The Easements relating to the connection of any further property to the drainage and sewerage pipes is a private matter between the relevant parties, and not within my jurisdiction.

Conclusion

17. I conclude therefore, for the reasons given above and taking into account matters raised, that the appeal should succeed.

Conditions

18. I have had regard to the conditions relating to the site access recommended by the Highway Authority. In addition to the standard conditions relating to the approval of reserved matters, and in the interests of highways safety, I have added a condition regarding the construction of the new access. A condition relating to the provision of visibility splays is added in the interests of highways safety. A condition requiring that there shall be no discharge of surface water onto the Highway is added in the interests of highways safety. A condition requiring that unbound material shall be used in the surface treatment of the vehicular access is added in the interests of highways safety. A condition

relating to the design of any gates provided at the vehicular access is added in the interests of highways safety.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall not be occupied until the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with a dropped kerb vehicular crossing of the highway verge.
- 5) The development hereby approved shall not be occupied until the access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by site maximum, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.
- 6) There shall be no discharge of surface water onto the Highway.
- 7) No unbound material shall be used in the surface treatment of the vehicular access.
- 8) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.